plea that he render unto them the full and just sum of five hundred and eighty two pounds current money which to them he owes and from them unjustly detains and so forth. And whereupon the said Barclay and M'Kean by William Cooke their Attorney, say that whereas the aforesaid Henry Cooksey on the twenty eighth day of July in the year one thousand seven hundred and ninety five at Charles County aforesaid, by his certain writing obligatory acknowledged himself to be held and firmly bound unto them the aforesaid William Barclay and Samuel M'Kean in the aforesaid sum of five hundred and eighty two pounds current money, to be paid to them the said Barclay and M'Kean when afterwards he should be thereunto required, nevertheless the aforesaid Henry Cooksey (although often thereunto required) the aforesaid sum of current money to them the said Barclay and M'Kean or to either of them hath not rendered or paid, but the same sum of current money to them hitherto to render or pay he hath altogether refused and still doth refuse; wherefore the said Barclay and M'Kean say they are the worse, and have damage to the value of one thousand pounds current money and therefore they bring suit and so forth, and bring here into Court the writing obligatory aforesaid, in form aforesaid, witnesseth, the date whereof is the day and year aforesaid, and so forth.

W Cooke for the Plaintiffs. pledges and so forth. John Doe & Richd Roe

The Oyer of the writing obligatory aforesaid, and the condition thereof, follows in these words, to wit

Know all Men by these presents that I Henry Cooksey of Charles County and State of Maryland Gentleman am held and firmly bound unto William Barclay and Samuel M'Kean of the town of Baltimore and State aforesaid in the full and just sum of five hundred and eighty two pounds current Money of Maryland to be paid to the said William Barclay and Samuel M'Kean or to their certain Attorney executors administrators or assigns; To which payment well and truly to be made and done I do bind myself my heirs Executors and administrators firmly by these presents sealed with my seal and dated this twenty eighth day of July in the year of our lord one thousand seven hundred and ninety five. The Condition of the above obligation is such that if the above bounden Henry Cooksey his heirs executors administrators, or any of them shall and do well and truly pay, or cause to be paid, unto the above mentioned William Barclay and Samuel M'Kean or to their certain Attorney executors administrators or assigns, the full and just sum of three hundred and forty one pounds current money aforesaid on or before the first day of October next ensuing without any fraud or delay then this obligation to be void and of none effect or else to remain in full force and virtue in law. Sealed and delivered in presence of Joseph Watson. Henry Cooksey (Seal)

At which mentioned second tuesday of may being the ninth day of the same month in the year of our lord one thousand seven hundred and ninety seven, and the day of the return of the aforegoing writ, come into the General Court here, the aforesaid William Barclay and Samuel M'Kean by William Cooke their Attorney aforesaid: And the Sheriff of Charles County aforesaid, to wit, Joseph Green Gentleman, to whom the said aforegoing writ was in form aforesaid directed, likewise comes and makes return

thereof, to the Court here, thus endorsed, to wit "Copy Copy left 13th April Jos. Green Shff" And the said Henry Cooksey by John Campbell his Attorney appears in Court here, and thereupon on the motion of the aforesaid William Barclay and Samuel M'Kean by their Attorney aforesaid, It is ruled by the Court here, that the said Henry Cooksey give special bail to the action aforesaid in the plea aforesaid; Whereupon a certain William Halherston of Charles County Gentleman present here in his proper person undertakes for the said Henry Cooksey that in case the aforesaid William Barclay and Samuel M'Kean shall recover Judgment against the said Henry Cooksey in the plea aforesaid, or that the said Henry Cooksey shall be therein legally convict, that then the said Henry Cooksey shall pay the condemnation of the Court thereupon, or render his body to the custody of the Sheriff of Charles County in satisfaction thereof, or that he the said William Halherston will do the same for him; And thereupon on the motion of the aforesaid William Barclay and Samuel M'Kean by their Attorney aforesaid, It is ruled by the Court here, that the said Henry Cooksey answer to the declaration aforesaid of the aforesaid William Barclay and Samuel M'Kean in the plea aforesaid, or Judgment by the Court here will be entered against him in default thereof; and the said Henry Cooksey by his Attorney aforesaid defends the force and injury when and so forth; and prays leave of the Court here to imparle until the second tuesday of October next, and then to answer to the declaration aforesaid of the aforesaid William Barclay and Samuel M'Kean in the plea aforesaid, and to him it is granted, the same day is given to the aforesaid William Barclay and Samuel M'Kean also.

At which said second tuesday of October being the tenth day of the same month in the year of our lord one thousand seven hundred and ninety seven, to which said day the said Henry Cooksey had leave to imparle and then to answer to the declaration aforesaid of the aforesaid William Barclay and Samuel M'Kean in the plea aforesaid come, again into the General Court here as well the aforesaid William Barclay and Samuel M'Kean by their Attorney aforesaid, as the said Henry Cooksey by his Attorney aforesaid; And the said Henry Cooksey by his Attorney aforesaid, as before defends the force and injury when and so forth, and saith, that the aforesaid William Barclay and Samuel M'Kean their action aforesaid against him to have or maintain ought not ought because he saith that he the said Henry Cooksey did pay unto the aforesaid William Barclay and Samuel M'Kean the said sum of money in the condition of the said writing obligatory mentioned with legal Interest thereon according to the form and effect of the condition of the said writing obligatory and this he is ready to verify; wherefore he prays Judgment if the aforesaid William Barclay and Samuel M'Kean their action aforesaid against him to have or maintain ought and so forth.

And the aforesaid William Barclay and Samuel M'Kean by their Attorney aforesaid say that they by anything by the said Henry Cooksey above in pleading alledged from having or maintaining their action aforesaid against him ought not to be precluded because they say that the said Henry Cooksey did not pay