therefore he saith he is worse and hath Damage to the value of one hundred Pounds current Money afs. and thereupon he brings Suit &c and brings into Court here the Writing Obligatory afs. which proves the Debt afs. in form afs. the Date of which is the Day and Year aforesaid

Pledges &c John Doe &c Richd Roe

And the afs. Mark by Edward Dorsey his attorney comes and defends the Force & Injury when &c and prays an Hearing of the Writing Obligatory afs. and it is read to him he prays likewise an hearing of the Condition of the same Writing and it is read to him in these Words to wit

The Condition of the above Obligation is such that if the above Bound Mark Gibson do and shall well and truly pay or cause to be paid unto the said Nicholas Maccubbin his certain attorney Exors Admrs or Assigns the just and full Sum of fifty eight Pound Seven Shillings current Money as afs. with legal Interest for the same then the above Obligation to be Void else to remain in full force and Virtue in Law But if Default be made in the Payment of the said Sum of fifty eight Pound Seven Shillings Curry then I Impower any attorney in any Court of Record in the Realms of Great Britain, France or Ireland or within the Province of Maryland or other his Majestys Dominions to appear for me at the Suit of the above mentioned Nicholas Maccubbin and to receive a Declaration on the above Obligation and thereupon to confess Judgment by Nihil dicit Cognovit Actionem Non sum informatus or otherwise hereby releasing all the Error that may happen upon the said Judgment suing out Execution thereupon or in any of the Proceedings thereunto relating

Which being read and heard the same attorney of the said Mark saith that he is not Informed by the same Mark of any Answer for the same Mark to the afs. Nicholas to the Plaint afs. to be given and nothing else thereof saith whereby the said Nicholas remains against the same Mark thereof undefended

Therefore it is considered by the Justices here that the said Nicholas Maccubbin recover against the said Mark Gibson as well the Sum of one hundred & Sixteen Pounds current Money his Debt afs. as also the Sum of

Judgmt signed 16th July 1748 — 492

Pounds of Tobacco by the Court here unto him on his afsnt adjudged as well for his Damages sustained by means of detaining that Debt as for his Costs and Charges by him about his Suit in this behalf laid out and Expended and the said Defendant in Mercy &c

Test. R Burdus Clk

Ht. Daniel Carroll } Maryland ps. James Draine late of Prince George's County Planter otherwise called
a. } James Drane of Prince Georges County Planter was Summoned to Answer unto
NB. William Draine } Daniel Carroll of a Plea that he render unto him the Sum of Two hundred Pounds current Money which to him he owes and unjustly detains &c

And Whereupon the said Daniel by Henry Darnall his Attorney saith that Whereas the afs. James on the seventeenth Day of June in the Year of our Lord Seventeen hundred and forty three at Prince Georges County afs. by his certain Writing Obligatory acknowledged himself to be held and firmly Bound unto him the said Daniel in the afs. Sum of Two hundred Pounds current Money afs. to be paid to him the said Daniel when afterwards he should be thereunto required. Nevertheless the afs. James (altho' often thereunto required) the afs. Sum of Two hundred Pounds current Money afs. to him the said Daniel hath not rendered or paid but the same to him hitherto to render or pay he hath altogether refused and still doth refuse wherefore he saith he is the worse and hath Damage to the value of Fifty Pounds current Money afs. and therefore he brings Suit &c and brings hereinto Court the Writing Obligatory afs. Sealed with the Seal of the afs. James which

(the)

the Debt afs. in form afs. Witnesseth whose Date is the Day and Year aforesaid &c

Pledges &c John Doe &c Richd Roe

And the afs. James by Stephen Bordley his attorney comes and defends the Force and Injury when &c and prays a hearing of the Writing Obligatory afs. and it is read unto him he prays also a hearing of the Condition of the said Writing Obligatory and he hath it in these Words following

The Condition of the above Obligation is such that if the above Bound James Drane or Nathl Smith or either of them do and shall well and truly pay or cause to be paid unto the said Daniel Carroll his certain attorney Executors Administrators or Assigns the just Sum of one hundred Pounds current Money at or upon the Seventeenth Day of June next ensuing the date hereof with legal Interest for the same then the above Obligation to be Void else to remain in full force and Virtue in Law But if Default be made in the Payment of the said Sum of one hundred Pounds then We Impower any Attorney in any Court of Record in the Realms of Great Britain France or Ireland or within the Province of Maryland or other his Majestys Dominions to appear for us at the Suit of the above mentioned Daniel Carroll and to receive a Declaration on the above Obligation and thereupon to confess Judgment by Nihil dicit, Cognovit Actionem Non sum informatus or otherwise hereby releasing all the Error that may happen upon the said Judgment suing out Execution thereupon or in any of the Proceedings thereunto relating

Which being read and heard the said William Draine by his said attorney saith that he cannot deny the Action afs. of the afs. Daniel Carroll so as afs. against him brought nor but that the Writing afs. is the Deed of him the said James Drane nor but that he owes to the same Daniel Carroll the afs. Sum of Two hundred Pounds current Money in manner and form as the afs. Daniel Carroll above against him hath Declared

Therefore it is considered by the Justices here that the said Daniel Carroll recover against the afs. James Draine as well the Sum of Two hundred Pounds current Money his Debt afs. as also the Sum of

Judgmt. Signed 29th Aug. 1748 — 791½

Pounds of Tobacco by the Court here unto him on his afsnt adjudged as well for his Damages sustained by means of detaining that Debt as for his Costs and Charges by him about his Suit in this behalf laid out and Expended and the said Defendt in Mercy &c

Test. R Burdus Clk

Pl. Daniel Carroll } Maryland ps. Nathan Smith late of Prince Georges County Planter otherwise
a. } called Nathl Smith of Prince Georges County Planter was Summoned to Answer unto
NB. Nathan Smith } Daniel Carroll of a Plea that he render unto him the Sum of Two hundred Pounds current Money which to him he owes and unjustly detains &c

And Whereupon the said Daniel by Henry Darnall his Attorney saith that Whereas the afs. Nathan on the Seventeenth Day of June in the Year of our Lord Seventeen hundred and forty three at Prince Georges County afs. by his certain Writing Obligatory acknowledged himself to be held and firmly Bound unto him the said Daniel in the afs. Sum of two hundred pounds current Money afs. to be paid to him the said Daniel when afterwards he should be thereunto required Nevertheless the afs. Nathan (altho' often thereunto required) the afs. Sum of two hundred Pounds current Money aforesaid to him the said Daniel hath not rendered or paid but the same to him hitherto to render or pay he hath altogether refused and still doth refuse wherefore he saith he is the worse and hath Damage to the value of fifty Pounds current Money afs. and therefore he brings Suit &c and brings here into Court the Writing Obligatory afs. Sealed with the Seal of the afs. Nathan which the Debt afs. in form afs. Witnesseth whose Day is the Day & Year aforesaid &c

Pledges &c John Doe Richd Roe