Richard hath not yet paid but the same to them to pay hitherto hath refused and still doth refuse to the damage of the said Theophilact and Richard five hundred pounds current money of Maryland and therefore the bring suit and so forth, And they bring here into Court the writing Obligatory aforesaid which the Debt aforesaid witnesseth the date whereof is the same day and year aforesaid and so forth. — Pledges Pro John Doe Dick Roe —

Also upon which aforegoing Declaration was made and sent with the writ in the plea aforesaid —

At which said Second Court the Tenth day of the said month Anno Domini 1764 being the day of the return of the aforegoing writ Comes the said Theophilact and Richard Bache by their attorney aforesaid and the Sheriff of Cecil County to whom the said writ was directed likewise Comes and makes return thereof to the Court here thus endorsed to wit

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And the said John Ward being called upon appears Thereupon at the prayer of the Plaintiffs by their attorney aforesaid he the said John Ward is adjudged to give Special Bail to the Action aforesaid Whereupon he the said John Ward plegis in Court here the following Bail Pro to wit —

Theophilact Bache and Richard Bache against John Ward —

You William Ward and John Money and either of you do undertake for the said John Ward merchant Defendant in the sum of Four hundred and Eighty One pounds eighteen shillings and four pence to be levied on your and either of your lands and tenements goods and chattels to the use of the said Theophilact Bache and Richard Bache the Plaintiffs upon Condition that if the said Theophilact Bache and Richard Bache do obtain Judgment in an Action of Debt depending in the Provincial Court against the said John Ward the Defendant that then the said John Ward shall pay the Condemnation of the Court thereupon or deliver himself to the Custody of the Sheriff of Cecil County in Satisfaction therefor you or one of you will do the same for him They acknowledge themselves to be Content therewith this thirty first day of March 1764 before us —

To the Honourable the Justices of the Provincial Court — } Nicho Hyland, John Hall Justices of the Peace for Cecil County —

And the aforesaid John Ward by Joseph Nicholson Junior his attorney Comes and Defends the force and Injury when and so forth and prays an hearing of the Writing Obligatory aforesaid in the Declaration aforementioned and of the Condition of the same writing which are read unto him in the words following to wit

Know ye all men by these presents that I John Ward of Cecil County Maryland Merchant am held and firmly bound unto Theophilact & Richard Bache of the City of Philadelphia Merchts in the full and just sum of Four hundred and eighty One pounds eighteen shillings and four pence to be paid unto the said Theophilact & Richard Bache their Certain Attorney, Executors

(Administrators)

Administrators or assigns. To the which payment well and truly to be made and done I bind myself my heirs Executors and Administrators and every of them firmly by these presents Sealed with my Seal and dated this twelfth day of February Anno Domini One thousand seven hundred and sixty three —

The Condition of the above Obligation is such that if the above bound John Ward do and shall well and truly pay or cause to be paid unto the said Theophilact & Richard Bache or their certain attorney, Executors, Administrators or assigns the just and full Sum of Two hundred and forty pounds nineteen shillings & two pence at or upon the first day of September next ensuing the date hereof with Legal Interest then the above Obligation to be void, else to remain in full force and virtue in Law —

Which being read and heard the said John Ward by his attorney aforesaid prays leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiffs also —

At which said next Court to wit the Eleventh day of September Anno Domini 1764 Come again the said Parties Plaintiffs and Defendant by their attorneys aforesaid and the said Defendant by his said attorney prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiffs also —

At which said next Court to wit the Ninth day of April Anno Domini 1765 Comes here again as well the said Theophilact and Richard Bache by their attorney aforesaid as the said John Ward by his attorney aforesaid And the said John Ward by his attorney aforesaid as before defends the force and Injury when &c and saith that he with the Debt aforesaid by virtue of the writing Obligatory aforesaid to be burthened ought not because he saith that that writing is not the Deed of him the said John Ward and of this he puts himself upon the Country &c and the Plaintiffs in like manner and so forth —

And the said John Ward by the leave of the Court here and according to the form of the Statute in such Case made and provided Comes and further defends the force and Injury when &c and saith that the said Theophilact & Richard their action aforesaid against him to have or maintain ought not because he saith that he the said John before the impetration of the original writ of them the said Theophilact & Richard paid to them the said Theophilact and Richard the said sum of Two hundred and forty pounds nineteen shillings and two pence with legal Interest thereon according to the form and effect of the Condition aforesaid and this he is ready to verify &c wherefore he prays Judgment of the said Theophilact and Richard their action aforesaid against him to have or maintain ought &c —

And the said Theophilact and Richard as to the second plea of the said John Ward say that they by any thing by the said John above in his said second plea alleged from having and maintaining their action aforesaid against him the said John to be precluded ought not because they say that the said John did not pay to them the said sum of Two hundred and forty pounds nineteen shillings and two pence with Legal Interest thereon in manner and

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