Nevertheless the aforesaid Andrew although often thereunto required the aforesaid sum of one hundred and eighty pounds Current money to the said Zachariah 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 five hundred pounds current money aforesaid and therefore he brings suit and so forth, and bring here into Court the writing obligatory aforesaid sealed with the seal of the aforesaid Andrew which the debt aforesaid in form aforesaid Witnesseth the date whereof is the day and year aforesaid and so forth.

John Doe and
Richard Roe } Pledges and so forth.

H. Ridgely for the Plaintiff

And the aforesaid Andrew by Zebulon Hollingsworth his Attorney comes and defends the force and injury when and so forth and praying an hearing of the writing obligatory aforesaid & the Condition thereof and he hath them as follows to wit

Know all Men by these presents that we Andrew Ellicott and David Ellicott of Ann Arundel County in the State of Maryland are held and firmly bound unto Zachariah McCubbin senior of Baltimore County and State aforesaid in the just and full sum of one hundred and eighty pounds current money to be paid unto the said Zachariah McCubbin sen. his certain Attorney executors administrators or assigns to the which payment well and truely to be made and done we bind ourselves our heirs executors and Administrators jointly severally for the whole and in the whole firmly by these presents sealed with our seals and dated this twenty fourth day of May Anno Domini one thousand seven hundred and eighty two;

The Condition of the above Obligation is such that if the above bound Andrew Ellicott and David Ellicott they or either of them their heirs executors or administrators do and shall at or upon the first day of June next ensuing the date hereof well and truely pay or cause to be paid unto the said Zachariah McCubbin sen. his certain Attorney Executors administrators or assigns the just & full sum of ninety pounds in spanish dollars at seven shillings and six pence each dollar or other silver or Gold at that rate or the Value thereof in lawful circulating paper money with six p. cent interest thereon from the date thereof to be paid in money as aforesaid any Law or Act to the contrary Notwithstanding then the above obligation to be Void and of no effect otherwise to be and remain in full force and Virtue in Law.

Andrew Ellicott — (Seal)
David Ellicott (Seal)

Signed sealed & Delivered in presence of
Sarah Ellicott, Lewis Evans.

And the said Andrew Ellicott by his said Attorney produces to the Court now here the State of Marylands writ of Habeas Corpus closed in the words and figures following viz.

The State of Maryland to. To the Justices and sheriff of Baltimore County Greeting Whereas Andrew Ellicott late of Baltimore County is detained in the prison of our said County under the custody of you our said sheriff at the suit of a certain Zachariah McCubbin senior in a plea of Debt and so forth, which said plea still remains before you our said Justices undetermined as it is said and we being willing for divers causes that the plea aforesaid undetermined as aforesaid should be heard and determined before the Judges of our General Court do therefore command you that you have the body of the said Andrew Ellicott by whatsoever name he be called in the plea aforesaid together with the day and cause of his caption and detainer and all things thereunto relating before the Judges of our General Court to be held at the City of Annapolis on the second tuesday of May next that our said Judges being rightly

rightly informed of the truth of the premises may further proceed therein as to Justice appertains and so forth. Hereof fail not at your peril and have you then and there this Writ, Witness Robert Hanson Harrison Esquire chief Judge of our said Court the 19th. day of November Anno Domini 1787.

Issued the 17th. day of April 1788. (Z Hollingsworth) Thos. B. Hodgkin Clk

Whereupon the proceedings aforesaid are ordered to be transmitted accordingly

In Testimony whereof I have hereto set my hand and seal of Office this twenty first day of April seventeen hundred & eighty eight. (Seal) William Gibson Clk. B. C. County

At which said second tuesday of May Court, the thirteenth day of the same month Anno Domini seventeen hundred and eighty eight, come here into our General Court as well the said Zachariah Maccubbin sen. by Henry Ridgely his Attorney as the said Andrew Ellicott by Richard Ridgely and Zebulon Hollingsworth his Attornies. And the said Andrew Ellicott by his Attornies aforesaid defends the force and injury when and so forth, and prays leave of the Court to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also.

At which said next Court to wit, the second tuesday of October being the fourteenth day of the same month Anno Domini seventeen hundred and eighty eight, comes again here into our general Court as well the said Zachariah Maccubbin sen. by his Attorney aforesaid as the said Andrew Ellicott by his Attornies aforesaid, And the said Andrew Ellicott by his Attornies aforesaid as before defends the force and injury when and so forth, and saith that the said Zachariah Maccubbin sen. his Action aforesaid against him to have or maintain ought &c because he saith that he the said Andrew Ellicott did pay unto the said Zachariah Maccubbin sen. 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 said Zachariah Maccubbin sen. his action aforesaid against him to have or maintain ought &c.

And the said Zachariah Maccubbin sen. saith that he by any thing by the said Andrew Ellicott above in pleading alledged from having or maintaining his Action aforesaid against him ought not to be precluded because he saith that the aforesaid Andrew Ellicott hath not paid unto him the said Zachariah Maccubbin sen. the aforesaid sum of money in the Condition aforesaid mentioned with the interest thereon in such manner and form as the said Andrew Ellicott above by pleading hath alledged, and of this he prays may be inquired of by the Country, and the said Andrew Ellicott in like manner and so forth —

Therefore let a Jury thereon appear before the Judges of our General Court here on the second tuesday of May next, by whom &c and who neither &c to recognize &c because as well &c the same day is given to the said parties then and there &c.

And now here at this day to wit the said second tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and eighty nine, comes again here into our General Court as well the said Zachariah Maccubbin sen. by his Attorney aforesaid as the said Andrew Ellicott by his Attornies aforesaid

Nevertheless the said Andrew Ellicott by his Attornies aforesaid relinquishing the argument above by him pretended saith that he cannot deny the Action aforesaid of the said Zachariah Maccubbin sen. as aforesaid against him brought nor but that he owes to the said Zachariah Maccubbin sen. the said sum of one hundred and eighty pounds current money in manner and form aforesaid as the said Zachariah Maccubbin senior above

against