saith that whereas the aforesaid Brian Philpot on the sixteenth day of December in the year of our Lord one thousand seven hundred and eighty five at Baltimore county aforesaid by his certain writing obligatory acknowledgid himself to be held and firmly bound unto the said Daniel Carroll in the aforesaid sum of one thousand nine hundred and sixty pounds eleven shillings currentmoney to be paid unto the said Daniel Carroll when afterwards the said Brian should be thereunto requird the same Daniel Carroll afterwards court on the twenty third day of January seventeen hundred and eighty six at the county aforesaid (having first made oath before Alexander Contee Hanson Esquire then one of the Judges of the General Court) of the State of Maryland that he had received no part of the principal sum of money or interest due by the aforesaid writing obligatory) by a writing upon the said writing obligatory made with his proper hand subscribed and with the seal of him the said Daniel Carroll sealed bearing date the day and year last aforesaid according to the force form and effect of the act of Assembly aforesaid, the said writing obligatory and the aforesaid sum of one thousand nine hundred and sixty pounds eleven shillings currentmoney therein mentioned unto him the said Charles Carroll did assign whereof the aforesaid Brian Philpot then and there had notice, By virtue whereof and also by force of the act of Assembly in such cases lately made and provided, action hath accrued unto him the said Charles Carroll to demand and have of him the said Brian Philpot the aforesaid sum of one thousand nine hundred and sixty pounds eleven shillings currentmoney. — Nevertheless the aforesaid Brian altho' often thereunto required the aforesaid sum of currentmoney to him the said Charles Carroll hath not rendered or paid, but the same to him the said Charles Carroll to render or pay he the said Brian hath altogether refused and still doth refuse to the damage of him the said Charles Carroll in the sum of two thousand pounds currentmoney of Maryland and therefore he brings suit and soforth, and brings here into Court as well the writing obligatory aforesaid sealed with the seal of him the said Brian whose date is the day and year aforesaid, which the debt aforesaid & assignment aforesaid in form aforesaid testify and soforth.

William Cooke for the Plaintiff. Pledges and soforth { John Doe and Richard Roe.

Oyer of the writing obligatory in the Declaration aforesaid mentioned and of the Condition and Indorsement thereon follow.

Know all Men by these presents, that we Brian Philpot of Baltimore town & Frank Leeke of Prince Georges county are held and firmly bound unto Daniel Carroll of Montgomery county in the full and just sum of one thousand nine hundred & sixty pounds eleven shillings currentmoney to be paid unto the said Daniel Carroll his certain attorney executors administrators, or assigns, to the which payment well and truly to be made and done, we bind ourselves our heirs executors and administrators, jointly & severally firmly by these presents, sealed with our seals and dated this sixteenth day of December in the year of our Lord one thousand seven hundred and eighty five. The Condition of the above obligation is such that if the above bound Brian Philpot & Frank Leeke 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 and full sum of nine hundred & eighty pounds five shillings & six pence currentmoney on or before the

the day of with legal interest thereon, then the above obligation to be void, else to remain in full force and vertue in law.

On the back of the aforegoing Bond is the following Indorsement to wit

Maryland. On the 23d day of January 1786. Daniel Carroll came before the subscriber one of the Judges of the General Court, and made oath, that he hath received no part of the principal or interest due by the within obligation. A. C. Hanson.

I Daniel Carroll of Montgomery county for value received do hereby assign and make over unto Charles Carroll of Carrollton all my right title and interest in and to the within obligation. In Witness whereof I have hereunto set my hand and seal this twenty third day of January seventeen hundred and eighty six. Daniel Carroll (Seal).

A copy of which aforegoing Declaration, Oyer and Indorsement was made and sent with the writ which issued in the plea aforesaid.

At which said second tuesday of October court, the ninth day of the same month Anno Domini one thousand seven hundred and eighty seven, being the day of the return of the aforegoing writ, comes here into our General Court the said Charles Carroll assignee as aforesaid by his attorney aforesaid, and the sheriff of Baltimore county to whom the same writ was made and directed, likewise comes and makes return thereof to the Court here thus endorsed to wit

Cepi. Copy left 19th September. Philip Graybill, Shff

And the said Brian Philpot being called upon appears, and at the prayer of the said Charles Carroll assignee as aforesaid by his attorney aforesaid, the said Brian Philpot is adjudged to give special bail to the action aforesaid, — Whereupon the said Brian Philpot by David McMechen his attorney files in Court here the following bail peice to wit. —

You Richard Johns and Mary Philpot jointly and severally acknowledge yourselves special bail for Brian Philpot at the suit of Charles Carroll of Carrollton in an action of debt brought by the said Charles Carroll of Carrollton against the said Brian Philpot in the General Court for the Western Shore to be held the second tuesday in October next. they acknowledge themselves content therewith this fourth day of October seventeen hundred and eighty seven. Acknowledgid Before Thos. Russell, Thos. Elliott. —

I Brian Philpot impower authorise and appoint David McMechen Esquire to appear for me in the above action. Given under my hand and seal this fourth day of October seventeen hundred and eighty seven.

Witness Thos. Russell, Thos. Elliott. Brian Philpot (Seal)

And the said Brian Philpot by his attorney aforesaid, defends the force and injury when and soforth, and prays leave of the Court to imparle hereunto until next Court, and he hath it, and the same day is given to the said Charles Carroll assignee as aforesaid also.

At which said next Court to wit, the second tuesday of May being the thirteenth day of the same month Anno Domini one thousand seven hundred and eighty eight, come again here into our General Court as well the said Charles Carroll assignee as aforesaid by his attorney aforesaid, as the said Brian Philpot by his attorney aforesaid. — And the said Brian Philpot by his attorney aforesaid as before defends the force and injury when and soforth and prays further leave of the Court to imparle hereunto until next Court, and he hath it, and the same day is given to the said Charles Carroll assignee as aforesaid also. —

At