hath not yet paid but the same to them to pay altogether hitherto hath refused and still doth refuse to the damage of the said Bingham and Gilmor twelve hundred pounds current money and therefore they bring suit andsoforth.

Robert Smith for Plff. Pledges andsoforth Jno. Doe and Richard Roe

Oyer of the writing obligatory and the condition thereof follows toward.

Know all men by these presents that we Jane Maguider James Somerville and Thomas Harwood the 3d the two former of Prince Georges County and the latter of Calvert County and State aforesaid are held and firmly bound unto William Bingham and Robert Gilmor in the full and just sum of six hundred and eight pounds fifteen shillings current money to be paid unto the aforesaid William Bingham and Robert Gilmor their Heirs Executors Administrators and Assigns: To the which payment well and truly to be made and done we and each of us do bind ourselves jointly and severally our joint and several heirs Executors and Administrators firmly by these presents sealed with our seals and dated this twenty third day of May seventeen Hundred and eighty seven.

The Condition of the above obligation is such that if the above bound Jane Maguider her certain attorney Heirs Executors administrators or assigns do and shall well and truly pay or cause to be paid unto the said William Bingham and Robert Gilmor their or either of their heirs Executors Administrators or Assigns the just and full sum of three hundred and four pounds seven shillings and six pence Currency rating gold at six shillings and eight pence the penny weight or Spanish milled dollars at seven shillings and six pence each in the manner following that is to say one third part on the first day of December next ensuing the date hereof one third part on the first day of June one thousand seven hundred and eighty eight and the remaining one third part thereof on the first day of December of the same year with legal Interest for the same from the date hereof then the above Obligation to be void else to remain in full force and virtue in Law.

Signed sealed and delivered

in the presence of.

Thomas Landsdale
Allen Trueman

Jane Maguider (Seal)
James Somerville (Seal)
Thomas Harwood 3rd (Seal)

A Copy of which aforegoing declaration and Oyer was made and sent with the writ which issues in the plea aforesaid. And now here at this day towit the said second of May being the twelfth day of the same month Anno domini seventeen

(hundred)

hundred and ninety nine and the day of the return of the aforegoing writ come the aforesaid William Bingham and Robert Gilmor by their Attorney aforesaid and the Sheriff of Prince Georges County to whom the same was made and sent likewise comes and makes return thereof to the Court here thus endorsed towit,

Copie Copy left the 13th April. Edward Lloyd Wailes Sheriff

And the said Sheriff although solemnly called to bring into Court the body of the said James Somerville according to the return of the writ aforesaid brings him not in but makes default Whereupon it is adjudged that the said Sheriff be amerced the debt aforesaid and costs of suit unless he has the body of the said James Somerville here on the second day of next Court. At which said next Court towit, the thirteenth day of October Anno domini seventeen hundred and eighty nine come again the aforesaid William Bingham and Robert Gilmor by their Attorney aforesaid and the said Sheriff being called upon to bring into Court here the body of the said James Somerville according to the return of the writ aforesaid brings him in whereupon it is ordered that the amercement aforesaid be struck out. And the said James Somerville being called upon appears and at the prayer of the said Bingham and Gilmor by their Attorney aforesaid the said James Somerville is adjudged to give special bail to the Action aforesaid. Whereupon a certain Waller Dawkins Broome of Charles County Gentleman present here in Court in his proper person undertakes for the said James Somerville that in case the said Bingham and Gilmor shall recover Judgment against the said James Somerville in the plea aforesaid or that the said James Somerville shall be therein legally convict that then the said James Somerville shall pay the condemnation of the Court thereon, or render his body to the Custody of the Sheriff of Prince Georges County in Satisfaction thereof, or that the said William Dawkins Broome will do the same for him.

And the said James Somerville and William Kilty his Attorneys comes and defends the force and injury when and soforth and saith that the said Bingham and Gilmor their Action aforesaid against him to have or maintain ought not andsoforth because he saith that he the said James Somerville did pay unto the said Bingham and Gilmor the said sums 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 Bingham and Gilmor their Action aforesaid against him to have or maintain ought andsoforth. And the said Bingham and Gilmor say that they by any thing by the said James Somerville above in pleading

(alledged)