of Washington County aforesaid, in pursuance of the command of the Writ aforesaid and according to the tenor of the return thereof as aforesaid and in compliance with the rule of the Court aforesaid, brings not into Court here the said Thomas but therein doth make default. Whereupon on motion of the said John, Matthew, John and James by their attorney aforesaid, it is ruled by the Court here that the said Adam Ott Sheriff of Washington County aforesaid be amerced the sum of Four hundred and seventy eight pounds and six pence, the debt aforesaid, in the declaration of the said John, Matthew, John and James in the plea aforesaid in case he brings not into Court here the body of the said Thomas On the second Tuesday of October next, and the same day is given to the said John, Matthew, John and James also.

At which said second Tuesday of October being the thirteenth day of the said month in the year of our Lord One thousand seven hundred and eighty nine, comes again into the General Court here the said John, Matthew, John and James, And the said Thomas Beale being called, appears in Court here by Richard Sells his Attorney; and thereupon on motion of the said John, Matthew, John and James by their Attorney aforesaid it is ruled by the Court here, that the said Thomas give special bail in the plea aforesaid; Whereupon a certain John Brooke Beall of Thomas and Daniel Stull of Washington County, comes here into Court in their own proper person and with the consent of the said John, Matthew, John and James by their said Attorney becomes pledge and Bail for the said Thomas that if it shall happen that the said Thomas shall be convicted at the suit of the said, John, Matthew, John and James in the plea aforesaid then the said Thomas Brooke Beall of Thomas and Daniel Stull, that as well the debt aforesaid as all such damages, costs and charges as shall be adjudged unto the said John, Matthew, John and James in this behalf shall be made of his body, lands and chattels, and levied to the use of the said John, Matthew, John and James if it shall happen that the said Thomas shall not pay the said debt, damages, costs and charges or render himself to the prison and custody of the Sheriff of the County aforesaid on that occasion; And thereupon on motion of,

of the said John, Matthew, John and James by their attorney aforesaid, it is ruled by the Court here, that the said Thomas answer to the declaration aforesaid of the said John, Matthew, John and James in the plea aforesaid or Judgment by the Court here will be entered against him in default thereof; And the said Thomas by his attorney aforesaid, defends the force and injury when and so forth, and prays an hearing of the writing obligatory aforesaid as also of the Condition thereof and to him they are read which being read and heard the said Thomas says that the aforesaid John, Matthew, John and James their action aforesaid against him to have or maintain ought not and so forth because he saith that he the said Thomas did pay unto the aforesaid John, Matthew, John and James the said sum of Two hundred and thirty nine pounds and three pence current 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 aforesaid John, Matthew, John and James his action aforesaid against him to have or maintain ought and so forth.

And the said John, Matthew, John and James by their attorney aforesaid saith that he by any thing by the said Thomas above in-pleading alleged from having and maintaining their action aforesaid against him ought not to be precluded because they saith that the said Thomas did not pay unto them the aforesaid John, Matthew, John and James the aforesaid sum of Money in the condition aforesaid mentioned with the Interest thereon in manner and form as the said Thomas above by pleading hath alleged, and this he prays may be enquired of by the Country, and the said Thomas doth the same. Therefore let a Jury thereupon appear before the 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 and so forth.

At which said second Tuesday of May being the eleventh day of the said month in the year of our Lord