said James Walker here next Court.

At which said next Court to wit the second tuesday of October being the thirteenth day of the same month Anno domini seventeen hundred and eighty nine come here the aforesaid Bernard Oneill and William Deakins Junr. by their attorney aforesaid and the sheriff being called upon to bring into Court the body of the said James Walker according to the return of the writ aforesaid brings him in.

Thereupon it is ordered that the amerciament aforesaid be struck out.

And the said James Walker being called upon appears and at the prayer of the said Bernard Oneill and William Deakins Junr. by their attorney aforesaid the said James Walker is adjudged to give special bail to the action aforesaid, Whereupon a certain Horatio Johnson of Anne Arundel County Gentleman present here in Court in his proper person undertakes for the said James Walker that in case the said Bernard Oneill and William Deakins Junior shall recover Judgment against the said James Walker in the plea aforesaid or that the said James Walker shall be therein legally Convict that then the said James Walker shall pay the Condemnation of the Court thereupon or render his body to the Custody of the sheriff of Anne Arundel County in satisfaction thereof or that he the said Horatio Johnson will do the same for him.

And the said James Walker by Samuel Johnston his attorney Comes and defends the force and injury when ands oforth and 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 May Anno Domini seventeen hundred and ninety come again as well the said Benrard Oneill and William Deakins Junior by their Attorney aforesaid as the said James Walker by his attorney aforesaid.

And the said James Walker by his attorney aforesaid as before defends the force and injury when and where the Court shall take the same into Consideration and prays oyer of the writing obligatory aforesaid and to him it is read and he also prays Oyer of the Condition of the same writing and to him it is read in these words to wit.

The Condition of the above obligation is such that if the above bound Samuel Godman and James Walker or either of them do and shall well

well and truly pay or cause to be paid to the said Bernard Oneill and William Deakins their certain attorney heirs Executors & administrators or Assigns the full and Just quantity of nine thousand two hundred pounds of good merchantable fresh inspected Crop Tobacco of the inspection of Elk Ridge Landing Warehouse on or before the first day of September next with legal Interest thereon from the date of this presents that then the above obligation to be void else to remain in full force and virtue in Law.

Which being read and heard the said James says that the said Bernard and William ought not to have or maintain their action aforesaid against him because he says that the said Samuel Godman (who in the writing aforesaid was Jointly bound with the said James Walker and the said James Walker after the said first day of September in the said condition of the said writing obligatory mentioned and before the day of the Issuing out of the writ of Capias ad respondendum in this action, to wit on the first day of May in the year of our Lord one thousand seven hundred and eighty nine paid to the said Bernard and William the said quantity of nine thousand and two hundred pounds of Good Merchantable fresh Inspected crop Tobacco of the Inspection of Elk Ridge landing Warehouse with all the legal Interest thereon then due from the date of the said writing according to the from and effect of the Condition aforesaid to wit at Anne Arundel County aforesaid and this he is ready to verify wherefore he prays Judgment if the said Bernard and William ought to have or maintain their action aforesaid thereof against him ands oforth.

And the said Bernard Oneill and William Deakins Junior say that they by any thing by the said James Walker above in pleading alledged from having or maintaining their action aforesaid against him ought not to be precluded because they say that the said Samuel Godman (who in the writing aforesaid was Jointly bound with the said James Walker) nor the said James Walker after the said first day of September in the said condition of the said writing obligatory mentioned and before the day of the issuing out of the writ of Capias adrespondendum in this action to wit on the first day of May in the year of our Lord one thousand seven hundred and eighty nine did not pay to them the said Bernard Oneill and William Deakins Junior the said quantity of nine thousand and two hundred pounds of good Merchantable fresh inspected crop Tobacco of the inspection of Elk Ridge landing warehouse with all the legal Interest thereon then due from the date