And thereupon on motion of the aforesaid Samuel Hughes and John Swan by their attorney aforesaid It is ruled by the Court here that the said Joseph Sim and Patrick Sim Smith answer to the Declaration aforesaid of the aforesaid Samuel Hughes and John Swan in the plea aforesaid or Judgment by the Court here will be entered against them in default thereof, and the said Joseph Sim and Patrick Sim Smith by their attorney aforesaid defend the force and injury when and so forth, and pray leave of the Court here to imparle until the second Tuesday of October next and then to answer to the Declaration aforesaid of the aforesaid Samuel Hughes and John Swan in the plea aforesaid; and to him it is granted, the same day is given the aforesaid Samuel Hughes and John Swan also.

At which said second Tuesday of October being the twelfth day of the same month in the year of our Lord one thousand seven hundred and ninety to which said day the said Joseph Sim --- and Patrick Sim Smith had leave to imparle and then to answer to the Declaration aforesaid of the aforesaid Samuel Hughes and John Swan in the plea aforesaid come again into the General Court here as well the aforesaid Samuel Hughes and John Swan by their attorney aforesaid as the said Joseph Sim and Patrick Sim Smith by their attorney aforesaid. And the said Joseph Sim and Patrick Sim Smith by their attorney aforesaid as before defend the force and injury when and so forth and pray an hearing of the writing obligatory aforesaid and also of the condition thereof and to him they are read as follow to wit.

Maryland ss. Know all men by these presents that we Joseph Sim & Patrick Sim Smith of Frederick Town Merchants are held and firmly bound unto Samuel Hughes and John Swan of Baltimore Maryland in the full and just sum of three hundred and five pounds & ten pence in Silver Dollars of seven shillings and six pence each to be paid to the said Samuel Hughes and John Swan, as John Swan & Company or to their certain attorney executors administrators or assigns To which payment well and truly to be made and done, we do hereby bind ourselves our heirs executors and administrators and every of them firmly by these presents sealed with our seals dated the twenty second day of January one thousand seven hundred and eighty eight

The condition of the above obligation is such that if the above bounden Joseph Sim & Patrick Sim Smith their heirs executors administrators or any of them shall and do well and truly pay or cause to be paid unto the above mentioned Samuel Hughes & John Swan as John Swan & Co. or to their certain attorney executors administrators or assigns the full and just sum of one hundred and fifty two pounds

ten shillings and five pence in Silver Dollars at seven shillings and six pence each with Interest from the first of January Inst. on or before the first day of April next without any fraud or delay, then this obligation to be void and of none effect. or else to remain in force & virtue in Law which being read and heard the said Joseph Sim and Patrick Sim Smith say that the said Samuel Hughes and John Swan their action aforesaid against them to have or maintain ought not &c because they say that they the said Joseph Sim and Patrick Sim Smith did pay unto the said Samuel Hughes and John Swan the said sum of 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 they are ready to verify wherefore they pray Judgment if the said Samuel Hughes and John Swan their action aforesaid against them to have or maintain ought &c

And the said Samuel Hughes and John Swan by their attorney aforesaid say that they by any thing by the said Joseph Sim and Patrick Sim Smith above in pleading alledged from having and maintaining this action aforesaid against them ought not to be precluded because they say that the said Joseph Sim and Patrick Sim Smith did not pay unto them the said Samuel Hughes and John Swan the aforesaid sum of money in the condition aforesaid mentioned with the Interest thereon in manner and form as the said Joseph Sim and Patrick Sim Smith above by pleading hath alledged and this they pray may be enquired of by the Country and the said Joseph Sim and Patrick Sim Smith in like manner and so forth. Therefore let a Jury thereon appear before the Court here on the second Tuesday of May next by whom and so forth and who neither and so forth to recognize and so forth because as well and so forth the same day is given to the said parties then and there and so forth.

And now at this day to wit the said second Tuesday of May being the tenth day of the same month in the year of our Lord one thousand seven hundred and ninety one come again into the General Court here as well the said Samuel Hughes and John Swan by their attorney aforesaid as the said Joseph Sim and Patrick Sim Smith by their attorney aforesaid; and the said Joseph Sim and Patrick Sim Smith by their attorney aforesaid relinquishing the averment aforesaid above by them pretended say that they cannot deny the action aforesaid of the said Samuel Hughes and John Swan so as aforesaid against them brought nor but that they owe to the said Samuel Hughes and John Swan the said sum of three hundred and five pounds and ten pence current money in manner and form aforesaid so as the said Samuel Hughes and John Swan above against them have declared. Therefore it is considered by the

Court