aforesaid, by his certain writing obligatory, acknowledged himself to be held and firmly bound unto him the aforesaid John in the aforesaid sum of five hundred and fifty pounds current money to be paid to him the said John when afterwards he should be thereunto required. Nevertheless the aforesaid Elias (although often thereunto required) the aforesaid sum of five hundred and fifty pounds Current Money to him the said John hath not rendered or paid, but the same or any part thereof to him hitherto to render or pay he hath altogether refused, and still doth refuse; wherefore he is the worse and hath damage, to the value of Six hundred pounds Current Money and therefore he brings suit, and so forth; and brings here into Court the writing obligatory aforesaid, sealed with the Seal of the aforesaid Elias which the debt aforesaid, in form aforesaid, witnesseth the date whereof is the day and year aforesaid, and so forth.

Philip B. Key Atty for the Plaintiff } Pledges, and so forth { John Doe and Richard Roe.

And the said Elias by his Attorney, comes and defends the force and injury, when and so forth, and prayeth an hearing of the writing obligatory aforesaid, and the condition thereof and he hath them in the words following to wit:—

Know all Men by these presents, That We Elias Wheatly of St. Marys County and Francis Wheatly of Charles County are held and firmly bound unto John Forbes of said County Merchant in the full and just sum of Five hundred and Fifty Pounds Current Money to be paid to the said John Forbes or to his certain Attorney, Executors, Administrators or Assigns: To which Payment well and truly to be made and done, We Elias Wheatly and Francis Wheatly bind ourselves our Heirs Executors, and Administrators, Jointly and Seperally firmly by these Presents, Sealed with our Seals and Dated the second day of January in the year of our Lord, One thousand seven hundred and Ninety two. The Condition of the above obligation is such, that if the above bounden Elias Wheatly and Francis Wheatly their Heirs, Executors, Administrators, or any of them shall and do well and truly pay, or cause to be paid, unto the above mentioned John Forbes or to his certain Attorney Executors, Administrators, or Assigns the full and just sum of Two hundred Sixty six pounds four shillings and nine

(pence)

pence Current Money with Legal Interest from date hereof on or before the Day of without any Fraud or Delay, then this Obligation to be void and of none effect, or else to remain in full Force and Virtue in Law.

Sealed and delivered in the Presence of Philip Medley } Elias Wheatly (seal) Francis Wheatly (seal)

Copies of which said declaration and Oyer were made and sent to the Sheriff of the County aforesaid, with the said writ, thereon endorsed, "To be served on the Defendant, with the writ, or left "at his place of abode, twenty days at least before the return of the "said writ, for plea or Judgment the first Court."

At which mentioned second Tuesday of May being the twelfth day of the said month, in the year of our Lord one thousand seven hundred and ninety five, and the day of the return of the aforegoing writ, comes into our General Court here the said John Forbes by Philip Barton Key his Attorney aforesaid, and the Sheriff of Saint Marys County aforesaid, to wit Samuel Abell Gentleman, to whom the said foregoing writ was in form aforesaid makes return thereof to the Court here, thus Endorsed, to wit,

N E. Samuel Abell Sheriff.

Nevertheless the said Elias Wheatly by William Cooke his Attorney, voluntarily comes here into Court, and says that he cannot deny the Action aforesaid of the said John Forbes so as aforesaid against him brought, nor but that he owes to the said John Forbes the said sum of five hundred and fifty pounds current money, in manner and form aforesaid, as the said John Forbes above against him hath declared; therefore it is considered by the Court here, that the said John Forbes recover against the said Elias Wheatly as well the sum of five hundred and fifty pounds current money, his debt aforesaid, in form aforesaid confessed as also the quantity of sixhundred and forty two pounds of Tobacco, by the Court here unto him the said John Forbes on his absent adjudged, for his damages which he hath sustained, as well by reason of the detention of the said debt, as for his costs and charges by him about his Suit in this behalf laid out and expended; and the said Elias Wheatly in Mercy and so forth.

Memorandum Judgment rendered in this cause on the thirteenth day of May in the year of our Lord one thousand seven hundred and ninety five, for the sum of £550 current Money the penalty of the

(Bond)