the aforesaid sum of current money to him the said William Barclay hath not rendered as said, but the same sum of current money to him hitherto to render or pay he hath altogether refused and still doth refuse; wherefore the said William Barclay saith he is the worse and hath damage to the value of five hundred pounds current money aforesaid and therefore he brings suit and so forth; and brings here into court the writing obligatory aforesaid sealed with the seal of the aforesaid Theodore which the debt aforesaid in form aforesaid witnesseth the date whereof is the day and year aforesaid and so forth.

Mr Burke for the plaintiff. pledges and so forth John Dorsey and Richard Roe

The oyer of the writing obligatory aforesaid, and the condition thereof follows in these words to wit:

Know all men by these presents that we Theodore Beall of Frederick County & State of Maryland and William D Beall of Prince Georges County & State aforesaid are held and firmly bound unto William Barclay of Baltimore in the full and just sum of four hundred and fifty pounds Maryland Currency to the which payment to be well & truly done we bind ourselves our heirs executors & administrators jointly and severally firmly by these presents Sealed with our seals and dated this Eighteenth day of May anno Dom. 1793. The condition of the above obligation is such that if the above bounden Theodore Beall & William D Beall do well and truly pay or cause to be paid unto William Barclay his certain attorney heirs executors or administrators the full and just sum of two Hundred & twenty pounds lawful money of Maryland with legal interest thereon on or before the twentieth day of Aug. in the year of our Lord 1794. then the above obligation to be void else to remain in full force and virtue. Given under our hands & seals the day & date above written.

Theo. Beall (Seal)
Wm D Beall (Seal)

Signed Sealed & Delivered in the presence of
Lee Beall.

At which said second Tuesday of May being the twelfth day of the same 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 the general court here the said William Barclay by his attorney aforesaid and the sheriff of Frederick County to whom the said writ was in form aforesaid directed makes return thereof to the court here thus endorsed to wit.

Cepi Richard Butler sheriff.

And the said Theodore Beall by John Thomson Mason and Roger Nelson his attorneys appeared in court here: and

(Thereupon)

Thereupon on motion of the said William Barclay by his attorney aforesaid It is ruled by the court here that the said Theodore Beall give special bail in the plea aforesaid: whereupon the said Theodore Beall by his attorneys aforesaid file in court here the following bail piece to wit.

William Barclay plaintiff
against
Theodore Beall Defendant

} You John Thomas and Anthony Sim do jointly and severally acknowledge yourselves special bail for the said Theodore Beall at the suit of the said William Barclay in an action of Debt brought by the said William Barclay against the said Theodore Beall in the General Court for the Western Shore of Maryland. They acknowledge themselves to be content therewith this first day of April 1795.

Before Wm Beatty. Jacob Young
To the Hon.ble the judges of the General Court

Att.y for the Deft Roger Nelson.

And Thereupon on motion of the said William Barclay by his attorney aforesaid. It is ruled by the court here that the said Theodore Beall answer to the Declaration aforesaid, a judgment by the court here will be entered against him in default thereof: and the said Theodore Beall by his attorney aforesaid defends the force and injury when & so forth and prays leave of the court here to imparle until the second Tuesday of October next and then to answer to the Declaration aforesaid in the plea aforesaid, and to him it is granted the same day is given to the said William Barclay also.

At which said second Tuesday of October being the thirteenth day of the same month in the year of our Lord one Thousand seven hundred and ninety five, come again into the general court here the parties aforesaid by their attorneys aforesaid: and the said Theodore Beall by his attorneys aforesaid as before defends the force and injury when and so forth and saith that the said William Barclay his action aforesaid against him to have & maintain ought not to because he saith that he did pay unto the said William Barclay the said sum of two hundred and twenty pounds current money in the condition of the said writing obligatory with legal Interest thereon; and this he is ready to verify: wherefore he prays judgment if the said William Barclay his action aforesaid against him to have & maintain ought &c. And the said William Barclay by his attorney aforesaid saith that he by any thing by the said Theodore Beall above in pleading alleged from having and maintaining his action aforesaid against him ought not to be precluded because he saith

(that)