A Copy of which aforegoing declaration oyer and Indorsement was made and sent with the writ which issued last aforesaid in the plea aforesaid At which mentioned second tuesday of May being the tenth day of the same month in the year of our Lord one thousand seven hundred and ninety six, and the day of the return of the last aforegoing writ, come again here into our general Court the aforesaid Nicholas Sluby and Joseph Smith by Archibald Robinson and Walter Dorsey their attornies; and the Sheriff of Baltimore County to whom the said last aforegoing writ, was made and directed likewise comes and makes return thereof to the Court here thus endorsed to wit, Cepi Copy served 15th March. H Stevenson Shff.

And the said John Togart being called upon appears, And at the prayer of the aforesaid Nicholas Sluby and Joseph Smith by their attornies aforesaid the said John Togart is adjudged to give special bail to the action aforesaid. Whereupon the said John Togart by Luther Martin his attorney files in Court here the following bail piece to wit.

Nicholas Sluby and Joseph Smith against John Togart	You Josias Pennington and Thomas Calwell do jointly and severally acknowledge yourselves Special bail for John Togart at the Suit of Nicholas Sluby and Joseph Smith in an action of Debt brought by

the said Nicholas Sluby and Joseph Smith against the said John Togart in the General Court for the Western Shore held at the City of Annapolis, the second tuesday in May Instant they acknowledge themselves content therewith this 11th day of May seventeen hundred and ninety six. Acknowledged before Geo. Goldsborough Presbury, Geo. Salmon.

I John Togart empower, authorise and appoint Luther Martin Esquire to appear for me in the above action, Given under my hand and seal this 11th day of May Seventeen hundred and ninety six.

Witness. John Togart (Seal)

To the Honorable the Judges of the General Court.

Which said bail piece is approved by the Court here, Whereupon the said John Togart by Luther Martin his attorney aforesaid comes and defends the force and injury when and soforth and the aforesaid Nicholas Sluby and Joseph Smith by their attornies aforesaid pray that the said John Togart may answer to their

Declaration

Declaration aforesaid in the plea aforesaid by the twentieth day of August next, and thereupon it is said to the said John Togart that if he doth not answer to the Declaration aforesaid of the aforesaid Nicholas Sluby and Joseph Smith by the said twentieth day of August next, Judgment will be entered against him by default, And thereupon the said John Togart by his Attorney aforesaid as before defends the force and injury when and soforth; And prays leave of the Court to Imparle hereunto untill the second Tuesday of October next; and he hath it, the same day is given to the aforesaid Nicholas Sluby and Joseph Smith also.

At which said second tuesday of October being the Eleventh day of the same month in the year of our Lord one thousand seven hundred and ninety six come again here into our general Court as well the aforesaid Nicholas Sluby and Joseph Smith by their Attornies aforesaid as the aforesaid John Togart by his Attorney aforesaid, And the said John Togart by his attorney aforesaid as before defends the force and injury when and soforth, and saith that the aforesaid Nicholas Sluby and Joseph Smith their action aforesaid against him to have or maintain ought not &c because he saith that he the said John Togart did pay unto the aforesaid Nicholas Sluby and Joseph Smith the said sum of 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 Nicholas Sluby and Joseph Smith their Action aforesaid against him to have or maintain ought &c.

And the said Nicholas Sluby and Joseph Smith say, that they by any thing by the aforesaid John Togart above in pleading alledged from having or maintaining their action aforesaid against him ought not to be precluded because they say, that the aforesaid John Togart hath not paid unto them the said Nicholas Sluby and Joseph Smith the aforesaid sum of money in the Condition aforesaid mentioned with the Interest thereon in such manner and form as the said John Togart above by pleading hath alledged; and of this he prays may be inquired of by the Country, and the aforesaid John Togart in like manner and soforth. Therefore let a Jury thereupon appear before the Judges of our General 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 parties aforesaid then and there &c And now at this day that is to say the said second tuesday of May being the ninth day of the same month in

the,