County, viz. Thomas Maccubbin late of Montgomery County Yeoman, was summoned to answer unto Thomas Johnson Beatty of a plea, that he render unto him the just and full sum of one hundred and seventy seven pounds Current Money which to him he owes and from him unjustly detains and so forth, And whereupon the said Thomas Johnson Beatty by John M. Gantt his Attorney saith, that whereas the aforesaid Thomas Maccubbin on the twelfth day of May in the year one thousand seven hundred and ninety six, at the County aforesaid, by his certain Bill obligatory, acknowledged himself to be bound unto him the aforesaid Thomas Johnson Beatty in the just and full sum of one hundred and seventy seven pounds Specie for value received on or before the first day of June then next with legal Interest for the same from the date hereof, to be paid to the said Thomas Johnson Beatty when afterwards he should be thereunto required, And the said Thomas Johnson Beatty in fact avers that the aforesaid sum of Specie was at the time of making the Bill obligatory aforesaid always since hath been and now is of the value of the like sum of Current Money, to wit, at the County aforesaid. Nevertheless the aforesaid Thomas Maccubbin (although often thereunto required) the aforesaid sum of one hundred and seventy seven pounds Current Money to him the said Thomas Johnson Beatty hath not rendered or paid, 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 Thomas Johnson Beatty saith he is the worse, and hath damage to the value of Five hundred pounds Current Money and therefore he brings suit and so forth; and brings here into Court the Bill obligatory aforesaid, Sealed with the Seal of the aforesaid Thomas Maccubbin which the debt aforesaid, in form aforesaid, Witnesseth, the date whereof is the day and year aforesaid and so forth. J. M. Gantt for the plaintiff. Pledges and so forth, John Doe, & Rich Roe. The Oyer of the Bill obligatory aforesaid, and the Condition thereof, follow in these words to wit.

I hereby bind myself my Heirs, Executors and Administrators to pay or cause to be paid unto Thos. J. Beatty his Heirs or assigns the just & full sum of one Hundred & Seventy seven pounds Specie, for value received, on or before the first day of June next,

(with)

with legal Interest for the same from the date hereof, as Witness my hand & Seal this Twelfth day of May one thousand seven hundred & Ninety six. Witness

Thos. Plater. — Thomas Maccubbin (Seal)

On the back of the aforegoing Bill obligatory was thus endorsed, to wit, I hereby assign unto Geo. G. McDaniel all my Right, Title, Claim and Interest to the within Note, for value of him received, Witness my hand this sixteenth July 1796.

Thos. J. Beatty

At which mentioned second Tuesday of May being the ninth day of the same month, in the year of our Lord one thousand seven hundred and Ninety seven, and the day of the return of the aforegoing Writ, comes into the General Court here, the aforesaid Thomas Johnson Beatty by John Mackall Gantt his Attorney aforesaid; And the Sheriff of Montgomery County aforesaid, to wit, Benjamin Ray Junior Gentleman, to whom the said aforegoing Writ, was in form aforesaid, directed, likewise comes and makes return thereof, to the Court, here, thus endorsed, to wit, "Cepi Copy left 17th April,

Benj. Ray Junr. Shff."

And the said Thomas Maccubbin by John Thomson Mason his Attorney appears in Court here, And thereupon on the Motion of the aforesaid Thomas Johnson Beatty by his attorney aforesaid, It is ruled by the Court here, that the said Thomas Maccubbin give special Bail to the Action aforesaid; Whereupon a certain Zachariah Maccubbin of Montgomery County Gentleman, present here in Court in his proper person undertakes for the said Thomas Maccubbin that in case the aforesaid Thomas Johnson Beatty shall recover Judgment against the said Thomas Maccubbin in the plea aforesaid, or that the said Thomas Maccubbin shall be therein legally Convict that then the said Thomas Maccubbin shall pay the condemnation of the Court thereupon or render his body to the Custody of the Sheriff of Montgomery County in satisfaction thereof, or that he the said Zachariah Maccubbin will do the same for him. And thereupon on the Motion of the aforesaid Thomas Johnson Beatty by his Attorney aforesaid, It is ruled by the Court here, that the said Thomas Maccubbin answer to the Declaration aforesaid of the aforesaid Thomas Johnson Beatty in the plea aforesaid, or Judgment by the Court here will be entered against him in default thereof; And the said Thomas Maccubbin by his Attorney aforesaid defends the force and injury when and so forth; and prays leave of the

(Court)