Samuel Chamberlaine against Robert Brown. ---- } Be it remembered, that on the Seventeenth day of May in the year Seventeen hundred and ninety, Capias was given, to the Sheriff of Queen Anns County, that he should take Robert Brown, late of Queen Anns County Gentleman, if he should be found in his Bailiwick and him safe keep so that he might have his Body before the Judges of Generall Court, to be held for the Eastern Shore of this State, in Talbot County, at the Court house in the same County, the second Tuesday of September next to answer unto Samuel Chamberlaine, of a plea that he render unto him Three hundred pounds, Current money of Maryland, which to him he owes and unjustly detains and so forth, and that he the said Sheriff should not fail thereof at his peril and that he should have then and there that writ &c. At which said second Tuesday in September to wit, in the year Seventeen hundred and ninety, being the day of the return of the aforegoing writ Came the said Samuel Chamberlaine, by William Hayward his attorney, and Jonathan Sewny Sheriff of the County aforesaid to the Court here made return that he had taken the body of the same Robert Brown, and the same had ready at calling to the Exigence of the said, and the said Robert Brown by William Tilghman, his attorney came here into Court, and thereupon the said Robert Brown at the prayer of the said Samuel Chamberlaine by his attorney aforesaid was ruled to give special bail in the plea aforesaid, Whereupon William Perry of Talbot County, and Conrad Wederstrandt, of Queen Anns County Gentlemen, came here into Court in their proper persons, and became pledge and mainpriors, for the aforesaid Robert Brown. That if it should happen that Judgment, by the Court here for the aforesaid Samuel Chamberlaine, in the plea aforesaid against the said Robert Brown should be rendered then the said William Perry and Conrad Wederstrandt, granted that as well the debt as all such Damages Costs and Charges which unto the said Samuel Chamberlaine, in this part should by the Court be adjudged of his Lands and Chattels should be made and to the use of the said Samuel Chamberlaine levied, if it should happen that the said Robert Brown the said Debt, Damages Cost and Charges unto the said Samuel Chamberlaine, should not pay or his Body in Execution of such Judgment, to the public prison, of Queen Anns County aforesaid by that occasion should not render, and the said Samuel Chamberlaine by his attorney aforesaid filed his Declaration in the plea aforesaid, against the said Robert Brown, in manner and form following, to wit, Queen Anns County ss. Robert Brown late of Queen Anns County, Merchant, was summoned to answer unto Samuel Chamberlaine of a plea that he render unto him three hundred pounds Current money of Maryland, which to him he owes and unjustly detains and so forth, And whereupon the said Samuel by William Hayward his attorney saith, that whereas the said Robert on the twenty second day of January in the year of our Lord One thousand seven hundred and seventy three, at Queen Anns County aforesaid, by his Certain writing Obligatory which the said Samuel, with the seal of the said Robert sealed here in Court doth bring, the date whereof is the same day and year aforesaid, acknowledged himself to be held and firmly bound unto the said Samuel, by the name and description of Samuel Chamberlaine Senior of Talbot County in the said Province Gentleman, in the said sum of three hundred pounds Current money aforesaid to be paid to the said Samuel when he the said Robert should be thereto afterwards requested. Nevertheless the said Robert the often requested the said sum of money unto the said Samuel hath not paid, nor him satisfied in any sort Contented but the same to pay hitherto hath refused and still doth refuse whereupon the said Samuel saith he is injured and hath damage to the value of one hundred and fifty pounds Current money of Maryland and therefore he brings suit &c. forsooth, Wm. Hayward for plaintiff plaintiff &c. Jno. Dee & Nicholas Rogers.

The writing Obligatory mentioned in the aforegoing Declaration Execution as follows to wit,

Maryland to wit, Know all men by these presents, that I Robert Browne of Queen Anns County in the province of Maryland Merchant, am held and firmly bound unto Samuel Chamberlaine Senior, of Talbot County in the said province Gentleman in the full and just sum of three hundred pounds Current money of Maryland, to be paid unto the said Samuel Chamberlaine, Senior his Certain attorney, Executors, Administrators, or assigns: To the which payment well and truly to be made and done, I bind myself my heirs Executors, and Administrators firmly by these presents Sealed with my seal, and dated this twenty second day of January anno Domini, one thousand seven hundred seventy three, The Condition of the above Obligation is such that if the above bound Robert Browne, do and shall well and truly pay or cause to be paid, unto the said Samuel Chamberlaine, Senior his Certain attorney, Executors, Administrators, or assigns, the sum of one hundred and fifty pounds Current money of Maryland, on or upon the tenth day of February next ensuing the date hereof, with legal Interest for the same; then the above Obligation to be void, else to remain in full force and virtue in law.

Signed, sealed, and delivered, in the presence of ------ } Robert Brown (Seal)

Henry Delehay,

Thereupon day was given as well to the said Samuel Chamberlaine as to the said Robert Brown by the Court here until the second Tuesday in April then next following. At which said second Tuesday in April to wit, in the year Seventeen hundred and ninety one, here Came again the parties aforesaid by their attorneys aforesaid, and the said Samuel Chamberlaine by his attorney pray that the said Robert Brown might be ruled to file his plea in answer to the Declaration of him the said Samuel Chamberlaine, on or before the second Tuesday in September then next or that Judgment on Default thereof against the said Robert Brown might be rendered, and it was granted unto him; The same day was given to the said Samuel Chamberlaine then &c. And now here on this day to wit, the second Tuesday in September in the year Seventeen hundred and ninety one, Came here into our said Court as well the said Samuel Chamberlaine as the said Robert Brown, by their attorneys aforesaid, and the said Robert Brown by his attorney aforesaid filed his plea in answer to the Declaration of him the said Samuel Chamberlaine in manner and form following, to wit, And the said Robert Brown by William Tilghman his attorney comes and defends the force and injury when &c. and prays oyer of the writing Obligatory aforesaid and of the Condition of the same and hath it as follows, which being read and heard the said Robert saith that the said Samuel his action aforesaid thereof against him to have or maintain ought not because he saith that after the day in the Condition of the said writing Obligatory mentioned, to wit, on the day of July in the year of our Lord Seventeen hundred and seventy six at the County of Queen Anns aforesaid he paid to the said Samuel the sum of one hundred and fifty pounds Current money being the whole sum that was then due to the said Samuel on the said Obligation for principal and Interest according to the said Condition thereof, and this he is ready to verify: whereupon he prays Judgment if the said Samuel