570 Baltimore in the State of Maryland, Merchant, in the Sum of Seven hundred and twenty seven pounds ten Shillings Current money of Maryland, to be paid to him the said Thomas Usher Junr. or to his certain attorney, Executors, Administrators or assigns: To which payment well and truly to be made and done I do hereby bind myself my Heirs, Executors and Administrators, each and every of them, firmly by these presents, Sealed with my seal, dated the twenty third day of June in the year of our Lord one thousand Seven hundred and ninety one. The condition of this Obligation is such that if the above bounden Thomas Elliott Junior, or his heirs Executors, Administrators or any of them, shall and do well and truly pay or cause to be paid, unto the above named Thomas Usher Junr. or to his certain attorney, Executors, Administrators or assigns the just and full sum of three hundred and sixty three pounds, fifteen Shillings without any fraud or further delay, then the above Obligation to be void, or else to be and remain in full force and virtue in law.

Sealed and Delivered in the presence of — Thomas Elliott Junr. Seal

Jacob Adams.

On the Original Bond was thus endorsed, towit,

1791. Sept. 12th. Recived on account of the Bond the sum of one hundred and one pounds ten Shillings being the neat sales of fourteen Hhds. of Tobacco. Thos. Usher Junr.

1792. Janry 12th Recived more, after within Bond fifteen pounds. Thos. Usher Junr.

And the said Thomas Usher Junr. by his attorney aforesaid, prayed that the said Thomas Elliott Junr. might be ruled to file his plea in answer to the Declaration aforesaid of him the said Thomas Usher Junr. on or before the second Tuesday in April then next or that Judgment on Default thereof against the said Thomas Elliott Junr. might be awarded, and it was granted unto him the same day was given to the said Thomas Usher Junr. then &c. At which said second Tuesday in April, towit, in the year of our Lord one thousand seven hundred and ninety four, here came again the parties aforesaid, by their attorneys aforesaid, and the said Thomas Elliott Junr. by his attorney aforesaid, filed his plea in answer to the Declaration aforesaid of him the said Thomas Usher Junr. in manner and form following, towit,

And the said Thomas Elliott by Luther Martin his attorney comes and defends the force and injury when &c. and prays a hearing of the writing Obligatory aforesaid, and the condition thereof which are read to him in the words following, towit, — which being read and heard the said Thomas Elliott saith that the said Thomas Usher his action aforesaid against him of the Debt and Damages aforesaid, to have ought not, because he saith that after the executing the writing Obligatory mentioned in the said Declaration, and before the impetration of the Original writ aforesaid, according to the form of the Statute in such Case made and provided that is to say on the tenth day of November in the year of our Lord one thousand seven hundred and ninety two, at the County aforesaid, he the said Thomas Elliott paid to the said Thomas Usher the said sum of current money of Maryland, in the Condition aforesaid mentioned with the Interest thereon due, which he then and there received in full satisfaction of all sums of money at that time due from the said Thomas Elliott to the said Thomas Usher and this he is ready to verify wherefore he prays Judgment if the said Thomas Usher his action aforesaid thereof against him to have or maintain ought &c. Luther Martin atty for Deft.

And the aforesaid Thomas Usher Junior, saith that he from having or maintaining his action aforesaid against the said Thomas Elliott Junior, ought not to be precluded, because he saith

571 that the said Thomas Elliott Junior at the time and place mentioned in the said Condition did not well and truly pay and discharge within the same Thomas Usher Junr. the said Sum of Seven hundred and twenty seven pounds ten Shillings current money, in the writing Obligatory aforesaid mentioned according to the form and effect of the Condition aforesaid, in manner and form as the said Thomas Elliott Junr. above in pleading hath alleged, and this he prayed might be inquired of by the County: and the said Thomas Elliott Junior in like manner &c. Whereupon this Cause standing ready for trial further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their attorneys aforesaid, and by Order of the Court here thereon was continued until the second Tuesday in September, then next following. And now here on this day to wit, the second Tuesday in September in the year Seventeen hundred and ninety four, here came again the parties aforesaid by their attorneys aforesaid, Nevertheless the said Thomas Elliott Junr. by his attorney relinquishing the averment above by him pretended saith, that he cannot gainsay this the action aforesaid of the said Thomas Usher Junr. nor can he deny but that the writing Obligatory aforesaid is the deed of him the said Thomas Elliott Junr. nor but that he owes unto the said Thomas Usher Junr. the aforesaid Sum of Seven hundred and twenty seven pounds ten Shillings current money in the writing Obligatory aforesaid mentioned in manner and form as the said Thomas Usher Junr. against him has complained. Therefore by the Court now here it is Considered that the said Thomas Usher Junr. do recover against the said Thomas Elliott Junr. his debt aforesaid, in form aforesaid, assessed at and also the Quantity of Seven hundred and twenty nine pounds of Tobacco, for his damages, which he hath sustained by occasion of the detention of that debt as for his Costs and Charges by him about his suit in this behalf expended, and the said Thomas Elliott Junr. in mercy &c. James Earle Junr. Clk.

Judgment was Confessed in this action on the fifteenth day of September one thousand seven hundred and ninety four, for penalty and costs: To be released on payment of the principal, Interest and Costs, payment if any to be allowed, Stay of execution till next Term.

Thomas Anderson, Hugh Lennox, Thomas Ewing and John Chaire's Lessee, — — — — — against Solomon Clayton.

Eastern Shore of Maryland, Queen Anne's County, towit, Peter Nottle, late of Queen Anne's County, planter was attached to answer unto Timothy Goodright of a plea wherefore with force and arms and Swords, into one undivided fourth part of a tract or parcel of Mountable Land Called the reward, and into one undivided fourth part of a tract of Land Called Machlins addition with the appurtenances lying and being in the County aforesaid, which Thomas Anderson, to him the said Timothy demised for a Term not yet expired, he the said Peter did enter, and him the said Timothy from his undivided fourth part of the said Farms, did eject, and also into one other undivided fourth part of the said tract of Land Called the reward and into one other undivided fourth part of the Tract of Land Called Machlins addition with the appurtenances lying and being in the County aforesaid, which Hugh Lennox to him the said Timothy demised