A Copy of which a foregoing Declaration was made and Sent with the Writ which issued in the Plea aforesaid —

At which said Second Tuesday of April to wit the Eleventh day of the Same Month Anno Dom. 1758 being the day of the return of the aforegoing Writ Comes the Said William Perkins by his Attorney aforesaid and the Sheriff of Baltimore County to whom the same Writ was directed also Comes and makes return thereof to the Court here thus Endorsed to wit — Cepi Copy Non. in time. Dav: M'Culloch Sher. Baltimore County.

And the aforesaid John Wilmott being called upon appears and at the Prayer of the Plaintiff by his Attorney afores. is adjudged to give Special Bail to the Action aforesaid Thereupon the Said John Wilmott files in Court the following Bail peice —

William Perkins a John Wilmott } You Thomas Cox and William Payne and either of you do undertake for John Wilmott Defendant in One hundred and forty three pounds four Shillings and Eight pence Sterling to be Levied on your and Either of your Lands and Tenements Goods and Chattels to the Use of the Said William Perkins the Plaintiff upon Condition that if the Said William Perkins do Obtain Judgment in an Action of Debt depending in the Provincial Court against the Said John Wilmott the Defendant that then the Said John Wilmott shall pay the Condemnation of the Court thereupon or deliver himself to the Custody of the Sheriff of Baltimore County in Satisfaction thereof or you or one of you will do it for him they acknowledge themselves to be Content therewith this Seventeenth day of April 1758 — before us.

To the Honourable the Justices of the Provincial Court } Wm. Rogers
Wil: Lyon

And the aforesaid John by Edward Dorsey his Attorney comes and defends the force and Injury when and so forth and prays an Hearing of the Writing Obligatory aforesaid and it is read unto him in the following words and figures to wit. Maryland ss. Know all men by these Presents that I John Wilmott of Baltimore County of the Province aforesaid planter am held and firmly bound unto Mr. William Perkins Merchant in London in the just and full Sum of One hundred and forty three pounds four Shillings and Eight pence Sterling good and Lawfull Money of Great Britain to be paid unto the Said William Perkins 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 third day of April Anno Dom. 1757 — He also pray an Hearing of the Condition of the Writing Obligatory aforesaid and he hath it as follows —

The Condition of the above Obligation is Such that if the above bound John Wilmott he or his Heirs Executors or Administrators either of them do and Shall well and truly pay or cause to be paid unto the Said William Perkins his certain Attorney Executors Administrators or Assigns the full and just Sum of Seventy One Pounds Twelve Shillings and four pence Sterling Money as aforesaid with Legal Interest for the Same then the above Obligation to be void else to remain in full force and Vertue in Law —

Which being read and heard the Said John Wilmott by his Said Attorney prays Leave to Imparle hereunto until next Court and he hath it and the Same day is given to the Plaintiff also —

At which Said next Court to wit the Twelfth day of September Anno Dom. 1758 Comes again the Said parties Plaintiff and Defendant by their Attorney aforesaid and the said Defendant by his Said Attorney

(prays)

prays further Leave to Imparle hereunto until next Court and he hath it and the Same day is given to the Plaintiff also

At which said next Court to wit the Tenth day of April Anno Dom. 1759 Comes again as well the Said William Perkins by his Attorney aforesaid as the Said John Wilmott by his Attorney aforesaid and the aforesaid John by his Said Attorney as before defends the force and Injury when &c. and Saith that he with the Debt aforesaid by Virtue of the Writing aforesaid ought not to be burthened because he Saith that that Writing is not his Deed and of this he puts himself upon the Country and the aforesaid William in like Manner and so forth.

And the aforesaid John by Leave of the Court here and according to the form of the Statute in Such Case lately made and provided further by his Said Attorney defends the force and Injury when and so forth and Saith that the aforesaid William his Action aforesaid against him the Said John to have or Maintain Ought not because he Saith that after the making the Writing aforesaid and before the issuing the Original Writ in the Action aforesaid he the Said John paid the Said William the aforesaid Sum of Seventy One pounds twelve Shillings and four pence Sterling Money in the Condition aforesaid Mentioned with Legal Interest for the Same according to the form and Effect thereof and this he is ready to Verify wherefore he prays Judgment if the aforesaid William his Action aforesaid against him the Said John to have or Maintain Ought not and so forth —

As to the first plea and the aforesaid William in like Manner and so forth —

And the aforesaid William as to the Second aforesaid of the aforesaid John above pleaded Saith that he by any Thing in the Same Second plea alledged from having and Maintaining his Action aforesaid to be Precluded ought not because he Saith that the aforesaid John never did pay unto the Said William the aforesaid Sum of Seventy one pounds twelve Shillings and four pence Sterling money in the Condition aforesaid Mentioned with Legal Interest for the Same according to the form and Effect of the Same Condition as the aforesaid John above in pleading hath alledged and this he prays may be enquired of by the Country and so forth and the aforesaid John in like Manner and so forth —

Nevertheless the Said John Wilmott by his Attorney aforesaid Relinquishing the Averment above by him pretended Says that he cannot gainsay the Action aforesaid of the aforesaid William Perkins against him brought nor but that the Writing aforesaid is the Deed of him the Said John Wilmott nor but that he Owes to the Said William Perkins the aforesaid Sum of One hundred and forty three Pounds four Shillings and Eight pence Sterling good and Lawfull Money of Great Britain in Manner and form so as the aforesaid William Perkins above above against him hath declared —

Therefore it is Considered by the Justices here that the Said William Perkins recover against the Said John Wilmott as well One hundred and forty three Pounds four Shillings and Eight pence Sterling good and Lawfull Money of Great Britain his Debt aforesaid as also the Sum of

Pounds of Tobacco by the Court here unto him on his Assent adjudged as well for his Damages Sustained by means of Detaining that Debt as for his Costs and Charges by him about his Suit in this behalf laid out and Expended and the Said Defendant in Mercy &c. —

Test. Reverdy Ghiselin Clk