Cl James Caldwell
against
Martha Bird Administratrix
of Elgit Bird

} Command was given to the Sheriff of Somerset County that he should take Martha Bird late of Somerset County Widow Administratrix of all and singular the Goods Chattles and Credits which were of Elgit Bird late of Somerset County Gent. deceased at the Time of his Death who dyed Intestate as it is said if she should be found in his Bailiwick and her safe keep so that he might have her Body before the Justices of his Lordships Provincial Court to be held at Annapolis the second Tuesday of September then next to answer unto James Caldwell of a plea that she render unto him the sum of three hundred Pounds Current Money of Maryland which from him she unjustly detained &c.
And that thereof he the said Sheriff should not fail and so forth.

At which said second Tuesday of September to wit the 4th Day of the same Month Anno Domini 1762 being the Day of the Return of the aforegoing Writ Comes the said James Caldwell by Charles Goldsborough his Attorney And the Sheriff of Somerset County to whom the same Writ was directed also comes and makes Return thereof to the Court here thus Indorsed to wit

Cepi Jo Meares Epts Wm Wilson Sht

Whereupon the said James Caldwell by his Attorney aforesaid declares against the said Martha Bird in the plea aforesaid as follows to wit Somerset County ss Martha Bird late of Somerset County Widow Administratrix of all and singular the Goods Chattles and Credits which were of Elgit Bird late of Somerset County Gent. deceased at the Time of his Death who dyed Intestate as it is said was Summoned to answer unto James Caldwell of a plea that she render unto him the sum of three hundred Pounds Current Money of Maryland which from him she unjustly detaineth &c. And thereupon the same James by Charles Goldsborough his Attorney saith that the aforesaid Elgit in his Life Time the fourth Day of August in the Year seventeen hundred and sixty one at the County aforesaid by his certain Writing Obligatory which the same James Caldwell with the Seal of the aforesaid Elgit Bird in his Life Time Sealed hereunto Court doth bring the Date whereof is the same Day and Year aforesaid acknowledged himself to be held and firmly bound unto the aforesaid James Caldwell in the aforesaid sum of three hundred Pounds Current Money of Maryland to be paid to the aforesaid James his Exrs. Admrs. or Assigns when thereto afterward he should be required to which payment to

be

be made the aforesaid Elgit in his Life Time did bind himself his heirs Executors and Administrators firmly by the same Writing Nevertheless the aforesaid Elgit in his Life Time and the aforesaid Martha after the Death of the said Elgit to which said Martha Administration of all and singular the Goods Chattles and Credits which were of the aforesaid Elgit at the Time of his Death after the Death of the said Elgit at the County aforesaid in due form of Law was committed have not paid altho often required but the aforesaid Elgit in his Life Time and the aforesaid Martha after the Death of the said Elgit the same to pay altho often required have refused and the same Martha the same sum of Money to the said James Caldwell to pay still doth refuse and unjustly detain to the Damage of the same James four hundred Pounds Current Money and thereupon he brings suit &c. ff. J Doe R. Roe

And the aforesaid Martha Bird in her proper person Come and defends the force and Injury when and so forth and prays an hearing of the Writing Obligatory and the Condition thereof and she hath them in the following words and figures to wit &c.

Duty paid 4/ Fees 4/

Know all Men by these presents that I Elgate Byrd of Somerset County Gent. am held and firmly bound unto James Caldwell of the same place Gent in the full and just sum of three hundred pounds Current Money of Maryland to be paid unto the said James Caldwell his certain Attorney Exrs. Admrs. or Assigns to which payment well and truly to be made and done I bind my self my Heirs Exrs. and Admrs. in and for the whole firmly by these presents Sealed with my Seal and dated this fourth Day of August in the Year of our Lord one thousand seven hundred and sixty one. The Condition of the above Obligation is such that if the above bound Elgate Byrd his heirs Exrs. and Admrs. do and shall well and truly pay or cause to be paid unto the said James Caldwell the sum of one hundred and forty eight pounds eight shillings and five pence Current Money in Corn Pork and other Country produce at Market Prices in the Years when it shall be paid and that as the said Elgate can have such produce as aforesaid for the discharge of the aforesaid one hundred and forty eight pounds eight shillings and five pence then the above Obligation to be void else to remain in full force and virtue in Law

She also prays an hearing of the Judgements on the Writing Obligatory aforesaid and she hath them as follows to wit June ye 16th 1762 then personally appeared before me the Subscriber one of his Lordships Justices of the peace for Somerset County William Hayward and made Oath on the Holy Evangels of Almighty God that he saw Elgate Byrd sign seal and deliver the within Bond to James Caldwell and did acknowledge it as his Act and Deed for the use and purpose therein mentioned and that he subscribes as Witness at the same Time Isaac Handy

(June)