Court to be held at Annapolis the second Tuesday of September then next to answer unto William Smith and James Stewart of a plea that he render unto them the full and Just Sum of Two hundred and Seventy Seven pounds fourteen Shillings and Seven pence Sterling money which to them he owes and unjustly detains and so forth and that thereof he the said Sheriff warnt to fail &c

And the said William Smith and James Stewart declared against the said Thomas Davis Junior in the plea aforesaid as follows to wit

Maryland Cecil County ss. Thomas Davis the Younger late of Cecil County merchant otherwise called Thomas Davis Junr of Cecil County merchant was Summoned to answer unto William Smith and James Stewart of a plea that he render unto them the full and Just Sum of Two hundred and Seventy Seven pounds fourteen Shillings and Seven pence Sterling money which to them he owes and unjustly detains and so forth And whereupon the said William and James by Robert Alexander their attorney say that whereas the aft Thomas on the nineteenth day of April in the year of our Lord seventeen hundred and sixty three at Cecil County aft by his certain writing Obligatory acknowledged himself to be held and firmly bound unto them the said William and James in the aft Sum of Two hundred and Seventy Seven pounds fourteen Shillings and Seven pence Sterling money aft to be paid to them the said William and James when afterwards he should be thereunto required Nevertheless the aft Thomas (altho often thereunto required) the aft Sum of money to them the said William and James hath not rendered or paid but the same to them hitherto to render a pay he hath altogether refused And still doth refuse wherefore the said William and James say they are the worse and have Damage to the value of One hundred pounds Sterling money aft and therefore they bring Suit and so forth and bring here into Court the writing Obligatory aft sealed with the seal of the aft Thomas which the Deft aft in form aft witnesseth the date whereof is the day and year aft and so forth —

Pledges ss. John Doe & Richd Roe —

Also upon file such a foregoing Declaration was made and Sent with the writ in the Plea aforesaid

At which said Second Tuesday of September to wit the thirteenth day of the same month Anno Domini 1763, being the day of the return of the aforegoing writ Comes the said William Smith and James Stewart by their attorney aforesaid and the Sheriff of Cecil County to whom the same writ was directed likewise comes and makes no return thereof to the Court here this indorsed to wit Capi Corpus non est inventus 22d July 1763

Wm Baxter Shff —

And the said Thomas Davis Junior being called upon appears Thereupon at the prayer of the Plaintiffs by their attorney aforesaid he the said Thomas Davis Junior is adjudged to give Special Bail to the Action aforesaid Whereupon he files in Court the following Bail piece to wit

(William)

William Smith and James Stewart Plaintiffs against Thomas Davis the Younger Defendant

Now Nicholas Money and Benjamin Cox of Cecil County planters and either of you do undertake for the said Thomas Davis Defendant in the sum of Two Hundred and Seventy Seven pounds fourteen Shillings and Seven pence Sterling money to be levied on your and either of your Lands and Tenements Goods and Chattles to the use of the said William Smith and James Stewart Plaintiffs upon Condition that if the said William Smith and James Stewart do obtain Judgment in an Action of Debt depending in the Provincial Court against the said Thomas Davis the Defendant that then the said Thomas Davis shall pay the Condemnation of the Court thereupon or deliver himself to the Custody of the Sheriff of Cecil County in Satisfaction thereof or you or one of you will do it for him, They Acknowledge themselves to be Content therewith this ninth day of September Anno Domini 1763

Moody
John Hall

To the Honourable the Justices of the Provincial Court

And the aft Thomas by Charles Gordon his attorney Comes and defends the force and Injury when and so forth and prays an hearing of the writing Obligatory aft and he hath it as follows to wit —

Know all men by these presents that Thomas Davis Jun of Cecil County merchant am held and firmly bound unto William Smith and James Stewart in the full and Just Sum of Two hundred Seventy Seven pounds fourteen Shillings and Seven pence Sterling to be paid unto the said William Smith and James Stewart certain Attorney Executors Administrators or Assigns To the which payment well and truly to be made and done I Bind myself my heirs Executors Administrators all and every of them firmly by these presents Sealed with my Seal and dated this nineteenth day of April Anno Domini 1763 —

He also prays an hearing of the Condition of the writing Obligatory aforesaid and hath it as follows (The Condition of the above Obligation is such that if the above bound Thomas Davis Jun his heirs Exr Admrs or Some of them do and shall well and truly pay or Cause to be paid unto the said William Smith & James Stewart their certain Attorney Executors Administrators or Assigns the Just and full Sum of One hundred and Thirty Eight pounds Seventeen Shillings & 6d Sterling at or upon the first day of June 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 —

Which being read and heard the said Thomas Davis Junior by his attorney aforesaid prays Leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiffs also —

At which said next Court to wit the tenth day of April Anno Domini 1764 Come again the said Parties Plaintiffs and Defendant by their attorneys aforesaid and the said Defendant by his said attorney prays further Leave

(To)