

Prays further leave to imparle hereunto untill next Court and he hath it And the same Day is given to the Plaintiff Also. At Which said Next Court to Witt the 21st Day of May Anno Dom: 1728 Comes Again as well the said Thomas Brooke by his attorney afores^d As the Said Michael Macnemara by his attorneys Afores^d And the said Michael Macnemara by his said Attorneys as before Defends the force and Injury When etc: And Prayeth a hearing of the Writing Obligatory Afores^d And he hath it etc: He Prayeth [804] Also a hearing of the Condition of the same Writing Obligatory And it is read unto him in these Words following To Witt Whereas the above Bound Maurice Birchfield Esq^r being Appointed Agent and Attorney In fact by the Honourable the Commissioners of his Majesties Customs of the Port of London for the recovery of a Debt of five thousand Pounds and Upwards Due from Arden Charleton late of London Merchant to the Crown And Whereas the said Maurice Birchfield for the Better Recovery thereof Did Substitute the Above Bound Thomas Macnemara And Whereas the Above Named Thomas Brooke Appearing to be Indebted to the Said Arden Carleton by the Said Carleton's Books in Eight hundred Pounds And Upwards Did Satisfie and Pay unto the said Thomas Macnemara for the Use of the Crown the Sum of two Hundred forty Eight Pounds Seventeen shillings and Six Pence Sterling in Part of the Said Debt. Now the Condition of the Above obligation is Such that if the Above bound Maurice Birchfield and Thomas Macnemara Or Either of them their or Either of their Heirs Executors or Administrators do and shall from time to time And at all times hereafter well and truely Save Indemnifie and keep harmless the said Thomas Brooke his Heirs Executors and Administrators from all and Against all persons Whatsoever Claiming a Right to the Sum of two Hundred forty Eight Pounds Seventeen shillings and Six pence Sterling So As Aforesaid Paid the Said Thomas Macnemara then the Above Obligation to be Void Else to remain in full force and Virtue. Which being Read and heard the said Michael Macnemara Sayth that the Aforesaid his Action Afores^d against him to have Ought not Because he sayth that the Same Thomas Brooke the twelfth Day of June Anno Dom: Seventeen Hund^a And Eighteen at Ann Arundell County afores^d Was Indebted unto the aforesaid Arden Carleton in the aforesaid Sum of Eight Hundred Pounds And that the same Arden the same Day and Year at the Place afores^d Was Indebted Unto Our Lord the King that now is In the Sum of five thousand Pounds Upon a Certain Account Between the said Commissioners of his Said Majesties Customs and the Said Arden for and on behalf of his Said Majestie before that time therefore had and Made And that the said Arden Afterwards then and there in Consideration thereof Duly Assigned Unto the same Lord the King the Said Eight Hundred pounds Whereof the same Thomas Brooke then and there had Notice And the same Michael Macnemara further sayth that the Aforesaid Maurice Birchfield the Same Day Year and Place aforesaid was Lawfully Constituted And Author-