Writing Obligatory aft. to be mentioned ought not because they say that the writing aft. is not their Deed and of this they put themselves upon the Country And the aft. John Mitcalfe in like manner and so forth And the aft. John and Matthew by leave of the Court here and according to the form of the Statute in such case lately made and provided further Defend the force and injury wherein &c And say that he the said John Mitcalfe his Action aft. against them the said John and Matthew to have or maintain ought not because they say that the said John Howard of Frederick County aft. did pay to the aft. John Mitcalfe the sum of One Hundred and thirty Pounds four Shillings and eight Pence Current Money in the said Condition mentioned & the Legal Interest thereon then due according to the form and effect of the Condition of the aft. writing Obligatory and this they are ready to verify Whereupon they pray Judgment if the aft. John Mitcalfe his Action aft. against them to have or maintain ought and so forth And the aft. John Mitcalfe as to the second Plea of them the said John Howard & Matthew Howard says that he by any thing in the same Alledged from having his Action aft. to be precluded ought not because he says that the aft. John Howard did not pay to him the said John Mitcalfe the sum of One Hundred and thirty Pounds four shillings and eight Pence Current Money and the legal Interest thereon due according to the form and effect of the Condition of the writing Obligatory aft. and this he prays may be enquired of by the Country and the aft. John Howard and Matthew Howard in like manner and so forth Whereupon for Trying the Issues aft. Command is given to the Sheriff of Frederick County that he cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices appointed to take the Assizes in his County if they shall before that time to wit on Wednesday the second Day of October next to the County Court House in the said County twelve Good and Lawfull Men of his Bailiwick by whom &c who neither &c To Recognize &c because as well &c Afterwards the Suit continued between the Parties aft. in the Plea aft. by the Jury being put thereon in Respite here until the third Tuesday of October next Unless the Justices of his Lordship the Lord Propry to take the Assizes in the said County assigned on Wednesday the second Day of October next to the County Court House in the said County shall come: Afterwards to wit at the Day and Place last above mentioned before the Honble John Brice and John Darnall Esquires two of his Lordships Justices of the Provincial Court assigned to take the Assizes in Frederick County according to the Directions of the Act of Assembly in such case lately made & provided come the aft. John Mitcalfe by Henry Darnall his Attorney and the Jurors of that Jury whereof mention is before made being called likewise come to wit Joseph Wood, Samuel Rogers Samuel Ellis, Michael Legatt, John Middah, Stephen Ransberg Clement Davis Thomas Prefsey Junior, William Davis, Samuel Beall Junr. John Hawthorne and Jonathan Mechlin who being duly Elected Tried and sworn to say the truth in the Premises upon their Oath do say that the writing Obligatory aft. is the Deed of the aft. John Howard and Matthew Howard in manner and form as the aft. John Mitcalfe above against them hath Declared And the Jurors aft. upon their Oath aft. further say that the aft. John Howard and Matthew Howard did not pay to him the said John Mitcalfe the sum of One Hundred and thirty Pounds four Shillings and eight Pence Current Money & the legal Interest thereon due according to the form and effect of the Condition of the Writing Obligatory aft. so as the said John Mitcalfe above in Replying hath alledged

Test W. Johnson Junr. Clerk of Assize Wm. Tait.

(Therefore)

Therefore it is considered by the Justices here that the said John Mitcalfe Recover against the said John Howard and Matthew Howard as well the sum of two hundred and sixty Pounds eight Shillings & eight Pence Current Money his Debt aft. as also the sum of

1420 Pounds of Tobacco by the Court here unto him in his Assist 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 Defendants in Mercy &c

Test W. Burgess Clk

3rd John Stewart and James Armour ..... vs

1818 Sarah Hammond Admx. of William Hammond ...

Maryland to wit Sarah Hammond of Baltimore County Widow and Administratrix of the Testament and last Will of William Hammond deceased was attached to Answer unto John Stewart and James Armour in a plea of Trespass upon the Case &c And Whereupon the said John and James by Daniel Dulany Junior their Attorney Complain that Whereas the aft. William in his life time to wit on the twenty sixth Day of March in the Year of our Lord seventeen hundred & fifty two at Baltimore County aft. was indebted unto the said John and James in the sum of One Hundred and ninety six Pounds seventeen Shillings and six Pence Sterling for sundry matters properly chargeable an Account as by the particular Account thereof hereunto into Court brought may appear And the said William being so made in his life time afterwards to wit on the same Day and Year at the same County in Consideration thereof undertook and then & there faithfully promised that he the said William would well and truly content and Pay the said sum of One hundred and Ninety six Pounds fourteen Shillings and six Pence Sterling to the said John and James when he should be thereunto afterwards requested Yet the said William in his life time and the said Sarah after the Death of the said William the Promise and Assumption aft. of the said William not regarding but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said John and James in this behalf have not paid or in any manner satisfied nor hath either of them paid or in any manner satisfied the said sum of One Hundred and Ninety six Pounds fourteen Shillings and six pence Sterling or any part thereof altho' afterwards the said William in his life time to wit on the Day and Year last aft. at the same County and the said Sarah after the Death of the said William to wit on the fourteenth Day of May in the Year of our Lord seventeen hundred and fifty two at the same County were thereunto requested but altogether have refused to pay the same and the said Sarah still doth refuse to pay the same to the Damage of the said John and James of two hundred and fifty Pounds Sterling aft. and therefore they bring suit and so forth Pledges and so forth { John Doe, Richd Roe

Which Account mentioned in the aforegoing Declaration follows in these words viz.

Mr. William Hammond of Maryland in Acct. Current with Stewart & Armour of London ..... Cr.

1750 Decr 20	To Cash pd his Bill to David Aff.																								
	To Interest on Dr. to the 25th March 1752 is 1..4..5 at 5 p Ct.																								