for which Errors and many others in the Declaration Mentioned prayeth Judgement
Varrs &c as ab

Now Wee all this day to wit the Eighth day of September Anno Domini 1698
came the Playtiff by their Attorney aforesaid and the Defendant aforesaid and Demurrer aforesaid
read and heard and Mature fully understood it is considered by the Court here
that the said Francis Partis take Nothing by his Writt aforesaid but be in Mercy for
his false Clamour and that the said Philip Lyon go thereof without day and
it is further considered that the said Philip Lyon at the said Partis the Sum
of Ninety Pounds of Tobacco by the Court here at the request
adjudged him for his Cost and Charges in this behalf laid out and expended
according to the Tenor of the statute in such Case made and provided

---

Saunt Wattkins ad James Harper ad Michaell Earle

Michaell Earle late of Talbott County otherwise called Michaell Peale
was attached to answer unto Saunt Wattkins Administrator of all and singular
the goods and Chattells of James Harper deceased late of Talbot that he render
unto him the full Sum of two thousand one hundred thirty and two pounds of
good sound Tobacco and Cask which Sum he the said Playtiff doth claime and
whereupon the said Saunt Wattkins in his proper person saith that the said Michaell
Earle by his Certaine writting obligatory under his hand and Seale bearing date
the 13 day of October Anno Domini 1693 at Talbott County within the Jurisdiction of
this Court which said writting is here in Court produced he the said Michaell Earle did
bind and bee obligeth himself his heirs Exors Admrs and Assigns firmly by the same
paid unto the said James Harper in his Life time the full Sum of two thousand one
hundred and thirty two pounds of Tobacco in Cask in Talbott County Notwithstanding
which the said Michaell the Sum of two thousand one hundred and thirty two pounds
of Tobacco to him the said James Harper in his Life time or to the Saunt Wattkins since
his death to whome administration of all and singular the goods and Chattells of the
said deceased by the Commissary Genll of this Province in due form of Law hath
been legally committed or to either of them although thereto demanded hath not
paid but the same to pay hath denyed and still doth withstand and denye of administra
tion after whereupon the Saunt Wattkins saith that Damnifyed and hath
Cause to the value of three thousand pounds of Tobacco and therupon he bringeth
this suit and he bringeth into Court the Letters of Administration that the
said Michaell by Wm Dent his Atty comth and defendeth the force and injur
ies when &c and saith that the said Saunt ought not to have Action against him ought

not to have because he saith that the Pretended Act of Assembly of this Province
made at a Gen[ll] Assembly begun and held at the City of Saint Marys the Tenth day
of May in the Yeare of our Lord 1692 entitled an additional Act to the Act for
regulating Orphans and the limitting the Number of them within this Province
which the said Lordships obligatory was in full force amongst other
things it is therein contained that from and after the publication of that Law
noe Orphans within this Province should take any Bill Bond or other Se
curity other than Charges in the Books for any Orphans amount or for any Legacy
or other Orphans Accomodations or never judgement in any Court of Record within
this Province for any such Debt till he hath before one Justice of the Peace or
County Court or one Alderman of the City of St Marys first taken the Corporall
oath that the Officers of the said Amount are justly and truly rated according
to the rates and prices set and assessed by the Justices Impowered thereto by the
said Act of Assembly and that the same were sold and delivered by the order of
the said Debtor or his Appointment and that bona fide without fraud the same
Liquors for Quality as in his Amount he hath named and sold the same without
any Mixture or Imbasilement other than what were ordered by the said Debtor or
his Consent which Oath before shall be Certified under the hand of such Justice
of the Province County Court or Alderman of St Marys before whome the
oathe shall be taken and delivered to the said Debtor before any other Security
shall be taken otherwise the said Bills Bonds and all other Securitys shall be
voyd and approved shall pass as the said Creditor other than the Bona fide
gally Charges according to Act of Assembly as in that by the said Act of Assembly
relation thereunto being had more at large may appear which said Act was on the
said thirteenth day of October 1693 in the Court aforesaid in full force and law
recalled and the said Michaell in fact saith that the said Bill in the Court here
mentioned on the day and stated therein also mentioned was by him paid and by the said James
Harper taken and labrifyed an Amount of Orphans Corporall and Orphans accomodations
which were not charges according to but far above the rates and prices then set and
agreed according to the Tenor of the said Act of Assembly nor did the said James who was
then an Orphans Keeper either before or after the passing the said Bill deliver to the said
Michaell or any other any Account of the particulars of the said Amount for which the said
Bill was past Nor did he by him as the Act directs whereby the Bill or Bond
is void by the tenor of the said Act which Act the said Michaell pleadeth in Bar of
the same Bill or writting obligatory aforementioned and this he prayeth to be tryed and
prayeth Judgement if the said Saunt should aforesaid Playtiff aforesaid for the Cause aforesaid against
him ought to have &c