either of them since the Assumpsit aforesaid made and Breach
thereof time of one thousand pounds sterling to our said Lady the
Queen Mother of the said King William and Queen Mary have
not rendred but the same so to render have denyed and still de-
ny to the Damage of our said Lady the Queen of one thousand
pounds sterling and this the said ally prayes for our said Lady the Queen
is ready to verify

Wharton alias Gale

And the said John Henry and Mary his wife for a plea and saying unto
and by their attorney said and defendants said and saying unto
the said Court they the said John Henry and Mary ought not
to be ansuered unto their said plaintiffs aforesaid bill of
complaint because they say that the said writing obligatory and the condition
of the said writing obligatory and of the said condition is such that of
record and the condition of this obligation is such that if
the above bounden John Coniston Master of the said
shallop shall really and bona fide at the departure of
him the said Christopher Monde or of the said shallop out of this
province of Maryland this present voyage render unto their Majt
Collect. of his customs & duties in this province of Maryland for
the time being or whom he shall appoint a true and just account of
all such goods as shall be laden and taken on board the said shallop
in this province this present voyage and shall before the departure
of him the said Christopher Monde or of the said shallop out of
this province the present voyage pay or cause to be paid unto their
Majties Collect. or whomsoever shall appoint the time of one month
after demand for duty found of value of the growth of this
province which shall be laden or taken on board the said shallop
this present voyage the payment thereof to be made in money
of England or at London by bills of exchange at twenty days sight
which God permit is lost or given away or in value or
other goods or commodities at the election of the said Christopher Monde
whom he shall appoint or if the said Christopher Monde
Master of the said shallop the present voyage any quantity of
goods be laden on board the said shallop in this province after the said
shallop shall be cleared by the said Collect. or a bond be made that the said
shallop shall be cleared by the said Collect. or whomsoever he shall
appoint this present voyage and shall not unload the said goods
laden on board the said shallop the present voyage
in any other place than in England Wales or Ireland or Isle of Man
upon pain of forfeiture of their Majties after plantations the danger
of the seas only excepted and return a certificate from the
Majty Cust. or officers of the customs for the time being that
within twelve months after he shall be cleared by the said Collect.
or whom he shall appoint in this province unto the office
of the said Collect. or whomsoever he shall appoint a true and just account
of the said goods laden on board the said shallop in this province
which said bond remain and abide in full force power and virtue
in the said Court of Chancery of Maryland the said John Henry and Mary his wife
do not and they the said plaintiffs do pray leave to traverse and make
and they the said defendants do pray leave to traverse and make
the said bill of complaint and the same and every part thereof
for the said Majty in the said Court of Chancery in this province
for their Majties and the said defendants pray to be dismissed
out of this Court with their reasonable costs and charges in this behalf
sustained

At which day came again as well

13th Day of October Anno Dom 1713

October Term 1713

William Wharton for his Majty and the said defendants who for the said
Majty in this behalf prosecutes as the said Jno Henry and Mary his
wife do not and they the said defendants Whereupon the said attorney
prays Judgment for their said Majties Demurrer by the said bill

Wharton alias Gale

William Wharton for his Majty } Maryland ss. John Henry late of
John Henry and Mary his wife } Somerset County Gent and Mary
Complaints by Jno Frazier his complaint of his wife late of the
Plaintiffs } said County Gent deceased who was the
wife and Ex. John Coniston } relict and Executrix of the last will and testament of John
late of the said County in the province of
Maryland Merch. who sometime before the Revolution made unto William
Wharton his attorney Gent of our Lady the Queen that now is
who for our said Lady the Queen prosecutes the said John Henry
& Mary his wife the said defendants that they render unto
our said Lady the Queen the sum of one thousand pounds sterling
money of England which from her said Majty they receive by
the hands of Christopher Gale.

And whereupon the said William Wharton for his Majty attorney Gent
who for our said Lady the Queen in this behalf prosecutes saith
that whereas the said John Coniston in his life time to wit the
fourteenth day of December in the year of our Lord one
thousand six hundred and ninety five at Somerset County by his
obligatory bearing date with the date of the said John
Coniston and thereunto Gent Knight whose date is the day and year
first and thereunto subscribed and sealed and firmly bound unto
the said King and Majty King William and Queen Mary late King and
Queen of England & in the same of one thousand pounds sterling
of England to the which payment well and truly to be made to the
said King William and Queen Mary and their heirs the said
John Coniston firmly bound himself and his heirs by the said writing
obligatory bearing date the said John Coniston in his life time
the said one thousand pounds sterling to the said King William and
Queen Mary either of them in their Life times and after
their respective decease not render or the said Mary to whom
the said John Coniston was in the time of his Coverture and before
the Revolution of the said will and testament of the said John Coniston
was in the time of his Coverture or the said Mary to whom
the said John was in the time of his Coverture or the said
John and Mary his wife or either of them since the said one thousand
pounds sterling and the said John Coniston of the said King
William and Queen Mary have not render but the same to the
said Lady the Queen the sum of one thousand pounds sterling
to render have denyed and still do deny to the Damage of our
said Lady the Queen of one thousand pounds sterling to our said Lady
the Queen whereof the said King William and Queen Mary and
the Queen themselves of the said King William and Queen Mary
have not rendred but the same to her to render have denyed and
still do deny to the Damage of our said Lady the Queen of
one thousand pounds sterling and this the said ally prays for our said
Lady the Queen is ready to verify

Wharton alias Gale

And the said John Henry and Mary his wife have and