according to the rule & bill made & default It is therefore considered by the Justices here the first day of May Anno Domi 1716 & that the Pl. Henry Peregrine Jowles Esqr of the Pl. Jacob Moreland recover ag.t the Def.t John Thurston his term to come and unexpired of in and unto the afs.d moiety or one half part of two sev.l tracts or parcells of land both lying in Prince George's County afs.d on Swan's own Creek & Contiguous one to y.e other & no where is called the Chance purchase and containing Two hundred Acres & other called Standley Lees Cont.g four hundred Acres with y.e appurt.s thereunto belonging afs.d and that he have there of his pess.n ag.t the Def.t Jno Thurston and that the Def.t be taken &c.

Mr Josiah Wilson — Pl.t
Mrs Audry Fayland Exx.r of
& Lord Wm Fayland — Def.t

Maryland ss. Audry Fayland of St Mary's County widdow Exec.x & y.e last will and Testam.t of William Fayland late of Annarund.l Co.ty Gent deced alias dict.s William Fayland was Summoned to Answer unto Josiah Wilson of b.e &c. that she render unto him y.e Sum and Just Sume of Seventeen thousand one hundred thirty and four pounds of good tobacco & Cask to Contain the Same which from him she unjustly detains &c.

And thereupon the same Josiah by Dan.l Mainemara his Att.y saith y.t whereas y.e s.d Wm Fayland in his Lifetime to wit the Twenty eth day of May in the year of our Lord God Seventeen hundred and Seven at St Mary's County by his Sert.n Writeing obligat.y did Grant himself to be holden and firmly bound unto the s.d Josiah in the afs.d Sume of Seventeen thousand one hundred thirty & four pd of Good tob.o and Cask to Contain the same tob.o to be pd to the s.d Josiah when assigned he should be there unto required Nevertheless the s.d Wm Fayland in his Lifetime or the said Audry Since the death of the s.d Wm Fayland altho often required the afs.d Sum of Seventeen thousand one hundred thirty & four pd of good tob.o and Cask to Contain y.e same tob.o to the s.d Josiah have not rendred but the s.d Wm in his lifetime & the s.d Audry since y.e death of the s.d Wm hitherto altogether have refused and the s.d Audry the same is damnified and hath cost to the value of thirty four thousand pounds of Tobacco and therefore the brings Suite &c and he brings here into Court y.e writeing obligat.y afs.d w.ch the s.d afs.d in form afs.d doth testifie whose date is the same day & year &c.

Jno Dod
Ad Acc

And the s.d afs.d Audry by Thomas Bordley her att.y Comes and defends &c (Force)

force and injury when &c and prays a hearing of y.e writeing obligat.y afs.d is read unto her she also prays a hearing of the Cond.n of the same writeing obligat.y and it is read unto her in these words (viz.t)

The Condition of the above Oblig.n is such that if the above bounden Nuth Sponce Wm Fayland and Abra Clark or either of them, or either of their Heirs Ex.rs or Adm.rs shall well & truly Satisfie Content and Pay to Josiah Wilson his heirs Ex.rs Adm.rs or Assigns the Sume of Eight thousand five hundred Sixty & seven pds of Tob.o & Cask to Contain the Same at or upon the tenth day of Nov.r next in Ann.e Co.ty that then the above Obligation bond & of none Effect or else to be in full force & vertue and good in Law &c.

Which being read and heard the s.d Audry Fayland Ex.x as afs.d by her Att.ny afs.d as before defend.s y.e force and injury when &c and prays Leave to Imparle hereunto until next Court and she hath it and the same day is given to the Pl.t also

At which said next Court to wit the first day of May Anno Domi 1716 Comes again as well the s.d Josias Wilson by his Att.ny afs.d as the s.d Audry Fayland Ex.x as afs.d by her Att.ny afs.d and y.e s.d Audry Ex.x as afs.d by her said Att.ny as before defend the force and injury when &c and doth say that the afs.d Josiah Wilson his Action afs.d ag.t her to have ought not because she saith that she hath fully administred all the Goods and Chattels which were of the afs.d Wm Fayland at the time of his death in her hands to be administred and that she hath not any goods or chattels which were of the afs.d Wm at the time of his death in her hands to be administred nor had the day of the Purchase of the Originall writt of the s.d Josias nor ever after &c and this she is ready to Verifie, wherefore she prays Judg.t if the afs.d Josias his Action afs.d ag.t her to have ought &c.

And the s.d Josias Wilson by his Att.ny afs.d Says that for as much as the said Audry Fayland Ex.x as afs.d by her plea afs.d pleaded does not deny but that the writeing obligat.y afs.d is the act and deed of her Testat.r and that the Debt therein Mentioned is yet due and unsatisfied, And for that the s.d Josias Wilson cannot gain say, but that the s.d Audry Fayland Ex.x as afs.d has not nor at the day of the Purchase of the Originall Writt of the s.d Josias Wilson had nor ever afterwards hitherto has had any Goods or Chattels which were of the s.d Wm Fayland at the time of his death in her hands remaining to be administred prays Judg.t for his Debt & his Costs and damages Sustained by occasion of Detaining y.e same afs.d and his Costs and damages Sustained by occasion of Defending y.e Plea afs.d by her to be levyed of the Goods & Chattels w.ch were of the s.d Wm Fayland at the time of his death, and which to the hands of the s.d Audry Fayland Ex.x as afs.d hereafter shall Come to be administred &c.

Therefore it is Considered by the Justices here the first day of May (Anno)