been heard and fully understood and Mature Deliberation being thereupon had for that it seems to the Court here that the aforesaid plea of the Said William Smith & Mary Nicholls in manner and form afd pleaded is not Sufficient in Law to abate the aforesaid Writ or him the Said John Hyde from Execution against the Said William Smith and Mary Nicholls of the Debt and Damages aforesaid of the Said Lands and premises in ye Sd Scire facias and return thereon Specifyed &c

And thereupon it is prayd by the Court here at the prayer of the plaintiff that the Defts plead over in Chief by the twenty first Day of May next or that Judgment by default be entred as of this Court But if the plea be filed within the time that the Said Action be continued untill next Court &c And thereupon ye Sd Action is continued untill next Court provided the Rule be complyed with as afd and the Same Day is given to the Said parties pltff and Defendts alles &c

At which Said next Court to wit the 5th day of July Anno Doms 1718 Come again the Said parties plaintiffs & Defendants by their Attorneys afd & the Said Defendants by their Said Attorney protesting that the Said Writ of Scire facias and the Sheriffs return thereon and the Matters therein contained are not Sufficient in Law for the Said John Hyde to have his Execution against them for plea they Say that the afd John Hyde Execution against them of the Debt and Damages aforesd of the Severall tracts or parcells of Land or of the Messuage or Orchards in the Return of the Writ of Scirefacias afd above Specifyed with the appurtenances ought not to have because they Say that the aforesd Wm Nicholls neither the Day aforesd of the rendring the Judgment afd nor ever after was seised of the afd Messuage orchards tracts or parcells of Land and premises with the appurtenances as by the return of the aforesd Writ of Scirefacias is above Supposed And this they are ready to Verifye wherefore they pray Judgmt if the afd John Hyde Execution against them of the Debt & Damages afd of the Messuage Orchards Lands & premises aforesd with the appurtenances ought to have &c

Thereupon Day is given untill next Court to the Said parties plaintiffs & Defendants alles &c

At which Said next Court to wit the 16th Day of September Anno Doms 1718 Come again the Said Wm Smith & Mary Nicholls by their Attorney afd & offer themselves against the Said John Hyde in the plea afd &c But the Said John Hyde altho Solemnly called comes not but makes default nor is his Writ in the plea afd further prosecuted ye pltffs Defendants &c

Therefore it is Considered by the Justices here the 16th

(Day)

Day of September Anno Doms afd that the Said John Hyde take Nothing by his Writt afd but be in Mercy for his false Clamour and that the Said Wm Smith & Mary Nicholls go thence without Day.

And alles it is Considered by the Justices here that the Said Wm Smith & Mary Nicholls recover against the Said John Hyde the Sum of pounds of Tobacco by the Court here adjudged unto them for their Costs and Charges by them about their Defence in this behalf laid out & expended according to the form of the Statute &c

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Wm D D Jno Cumberbatch and Rebecca ux. — Maryland ss / Hester Brown of Cecill County widow Executrix

Wm Mh Hester Brown Ext. Wm Brown — of the last Will and Testament of the William Brown late of Cecill County Merchant decd alias Wm Brown of Sipsell Counti in ye Provins of Maryland Marchant was Summoned to answer unto John Cumberbatch of Prince Georges County Innholder & Rebeccah his Wife lately called Rebeccah Duplex of Charles County of a plea that he render unto them Sixty pounds Good & lawfull Money of ye province afd which from them he unjustly detains &c

And whereupon the Same John and Rebecca by Thomas Macnamara their Attorney Say that whereas the aforesd William Brown in his Life time the twenty Ninth day of April in the Year of our Lord God Seventeen hundred and thirteen At Cecil County by his Certain writing Obligatory granted himself to be holden and firmly bound unto the Said Rebecca while She was Sole by the Name of Rebecca Duplex of Charles County in the province aforesaid in the aforesaid Sixty pounds Current Money to be paid to the Said Rebecca when he Should be afterwards thereunto required. Nevertheless the aforesaid William Brown in his Life time or the aforesaid Hester Brown after the death of the Said William at the often required the aforesaid Sixty pounds current Money to the Same Rebecca while She was Sole or to the aforesaid John and Rebecca after the espousalls between them Celebrated have not rendred but the Same to them hitherto to render have refused and the aforesaid Hester the Same to them as yet to render hath refused, and unjustly detains, Whereupon they Say they are the worse and have Cost to the Value of one hundred and twenty pounds Current Money and therefore they bring Suit &c and they bring here into Court the writing Obligatory aforesaid which testifyes the Debt aforesaid in form aforesaid whose date is the day and year above said &c

Pledges &c Jno Doe
Richd Roe

ye Ducr

The Condition of this Obligation is Such that if the above bounden Wm Brown his heirs executors or administrators do well & truly pay or Cause to be paid unto Rebekea Duplex her Certain Attorney, heirs or administrators or assignes the full and Just Sum of thirty pounds Current Money aforesaid at or upon the thirtieth day of October next ensuing the date hereof that then this present Obligation to be void and of no effect or otherwise to Stand abide and be in full power force and

(Vertue)