And the said Attorney General for that he hath above in pleading alledged Sufficient Matter in Law to have and Maintain the Action aft for the said Lord the King against the said Thos. Howell which he is ready to verify which Matter the said Thomas Howell hath not Gainsayd nor thereunto in any wayes Answered but the same to Admit for true hath altogether refused prays Judgment and the Debt aft together with the Damages Sustained by Occasion of Detaining the same Debt to the said Lord the King to be Adjudged &c.

Whereupon all and Singular the premisses being by the Court hereon heard and fully Understood and Mature Deliberation thereupon had for that it seems to the Court here that the plea of the said Daniel Dulany Esq. Attorney General as aft above in Replying pleaded and the Matter therein Contained are not Suff. in Law for the said Dan. Dulany Esq. Attorney General as aft the Action aft for the said Lord the King aft the Same Thomas Howell to have and Maintain.

Therefore it is Considered by the Justices here this 19th day of May Anno Domi. 1724 aft that the said Lord the King take Nothing by the writ aft and that the said Thomas Howell go thence of without day. And also it is Considered by the Justices here that the said Thomas Howell recover against John Eccleston of Dorchester County at whose Instance this Action was brought the Sum of pounds of Tobacco by the Court here Adjudged unto him for his Costs & Charges by him about his Defence in this behalf Expended & according to the form of the Act of Assembly in that Case made and provided.

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Dd Our Soveraign Lord the King } Maryland ss. John Kirk of Dorchester County Gent Otherwise called John Kirke
Hy John Kirke . . . . . } of Dorset County was Summoned to Answer unto Our Soveraign Lord the King that
now is of a plea that he render unto him the full and Just Sum of Eight hundred
pounds Sterling Currant Money of England which to the said Lord the King he Oweth
and unjustly Detaineth.

And whereupon Daniel Dulany Esq. his Lordships Attorney Genl. of the province aft who for the s. Lord the King in his behalf prosecuteth Saith that whereas the aft John the thirteenth day of July Anno Domi. Seventeen hundred and Eleven at Dorchester County aft by his Certain writing Obligatory granted himself to be held and firmly unto her late Majesty Queen Anne of great Britain in the aforesaid Eight hundred pounds Ster. to be paid to the said Lady the Queen her heirs & Successors when he thereunto afterwards thereunto requested Nevertheless the said John altho often thereunto requested the said Eight hundred pounds Sterling or any part thereof to the Lady the Queen or to the said Lord the King that now is hath not yet rendered or paid but the same to the said Lady the Queen or the said Lord the King to render or pay hath refused and gainsayed and the same to the said Lord the King that now is to render or pay still doth refuse to the Damage of the said Lord the King One hundred pounds Sterling and thereof for the said Lord the King the said Attorney General in ready to verify and the said Attorney General brings hereunto Court the writing Obligatory aft which Testifyes the Debt aft in form aft whose date is the day and year aft &c.

And the aforesaid John Kirk by Joshua George his Attorney Comes and Defends the force and Injury when and prays a hearing of the writing Obligatory aft and it is read unto him and he prays a hearing of the Condition of the same writing and it is read unto him in those words viz. The Condition of the above Obligation is Such that if the above bound Hugh Eccleston Esq. of the last will & Testament of Hugh Eccleston late of Dorset. County deced do make or Cause to be made a true and perfect Inventory of all and Singular the Goods Chattles and Credits of the said Deced Appraised in Money and the same

so

so made do Exhibit or Cause to be Exhibited into the office for probat of wills &c. at or before the first day of November next Ensuing and the same goods Chattles & Credits do well and truly administer viz. do pay the Debts of the said Deced which he did owe at the time of his decease so far forth as the said Goods Chattels & Credits will Extend to and the Law will Charge and further do make or Cause to be made a Just and true Account of and upon his said Administration within Twelve Months from the day of his admittance to Such Administration & Such parcels & portion of the said Estate as shall be found remaining upon Such Account Examined & Adjusted by the Judge Appointed for the time being for probat of wills &c. do Distribute and Dispose as by the said Judge shall be Limited and Appointed according to the true Intent and meaning of the last will & Testament of the said Deceased and Lastly do at all and every time & times hereafter clearly discharge & save harmless the said Majesty her Judges and all other her officers and Ministers from all persons havinge pretending to have any right title or Interest to the said Goods & Chattels that then this Obligation to be Void and of no Effect or Else to stand remain and be in full force power and Vertue. Which being read and heard the said John Kirk by his Attorney aft prays Leave to Imparle hereunto until next Court and he hath it and the same day is given to the said Daniel Dulany Esq. his Lordships Attorney General who &c. also.

At which said next Court to wit the 10th day of Sept. Anno Domi. 1723 Comes again as well the said Dan. Dulany Esq. his Lordships Attorney General who &c. as the said John Kirk by his Attorney aft and the said John Kirk by his said Attorney prays further Leave to Imparle hereunto until next Court and he hath it and the Same day is given to the said Daniel Dulany Esq. his Lordships Attorney General who &c. also.

At which said next Court to wit the 19th day of May Anno Domi. 1724 Comes again as well the said Daniel Dulany Esq. his Lordships Attorney General who &c. as the said John Kirk by his Attorney aft and the said John Kirk by his said Attorney as before defends the force and Injury when &c. and Saith that the Attorney General the Action aft against him to have or Maintain Ought not because he Saith that before Suing out the Originall writ in the plea aft to wit the first day of September Anno Domi. Seventeen hundred and Eleven the said Hugh Eccleston Esq. as aft did make a true and perfect Inventory of all and Singular the goods Chattles and Credits which were of Hugh Eccleston deced in the Condition of the above writing Mentioned Appraised in Money and the same so made did Exhibit into the office for probat of wills &c. before the aft first day of November in the Condition of the aft writing mentioned to wit at Ann Arundell County and the said goods Chattles and Credits did well and truly admr. viz. did pay the Debts of the said Deceased which he did owe at the time of his Decease so far forth as the said Goods Chattles and Credits did Extend to and the Law would Charge and further did make a true & Just Account of and upon his said Administration within Twelve Months from the time of his admittance to the said Administration to wit on the thirteenth day of July which was then in the year Seventeen hundred and Twelve and that such part & portion of the said Goods found remaining upon the said Account Examined and Adjusted by the Judge Appointed for that time being for probat of wills &c. did distribute and Dispose as by the said Judge was Limited and Appointed to wit at Ann Arundell County aft and did all times after the possesting the writing aft clearly acquit discharge and Save harmless her said Majesty her Judges and all other her Officers and Ministers from all persons having or pretending to have any right title or Interest of in and to the said Goods Chattles and Credits to wit at Ann Arundell County aft and the said John Kirk further Saith that the said Hugh Eccleston Esq. aft always after the pleading the writing aft hath well and truly fulfilled performed & kept all Singular the Articles Clauses and Covenants in the Condition of that writing Specified to wit at Ann Arundell County aft and this he is ready to verify and therefore the said John Kirk prays Judgment if the s. Attorney General his Action aft agt. him to have or Maintain Ought &c.

(And)