understood & mature Deliberation thereupon had —

It is Considered by the Justices here the 19th Day of October Anno Dom 1731 aforesaid that the Certiorari aforesaid was no Supersedeas to the Justices proceedings in the premisses aforesaid there not having been any Recognizance given or Indorsed on the back of the Writ on the Issuing thereof Conformable to Act of Parliament —

Whereupon the said David Peterkin by his Attorney aforesaid prays an Appeal from the Judgment aforesaid so as aforesaid Rendered to this High Court of Appeals which is granted accordingly —

Wt The Lord Propry — — — — } Ann Arundell County ss:

Be it Remembred that heretofore to wit the 20th Day of May Anno Dom 1729 Elizabeth Wilson late of Prince Georges County Widow Executrix of the Last Will & Testament of Josiah Wilson late of Prince Georges County Gent Dec'd otherwise Called Josiah Wilson of Prince Georges County in the Province of Maryland Gentleman was Summoned to answer unto the Right Honble — Charles Lord Baron of Baltemore Lord Propry of this Province of a plea that she render unto him two thousand pounds Sterl Money which from him she unjustly detains &c —

29. Eliz Wilson Ex Josiah Wilson

And Whereupon the said Lord Propry by William Cumming his Attorney saith that Whereas the aforesaid Josiah Wilson in his life time to wit on the Seventh Day of December Anno Dom Seventeen hundred & Seventeen at Ann Arundell by his Certain Writing Obligatory acknowledged himself to be held & firmly bound unto his said Lordship in the aforesaid two thousand pounds to be paid to his said Lordship when afterward he should be required Nevertheless the aforesaid Josiah Wilson in his life time & the aforesaid Elizabeth after the Death of him the said Josiah Wilson the aforesaid two thousand pounds although often required to the said Lord Propry have not rendered but the same to him to render hath gainsayed & the aforesaid Elizabeth the same to the said Lord Propry hitherto to render doth gainsay & unjustly detains Wherefore he saith that he is the worse & hath Damage to the Value of three thousand pounds Sterling Money aforesaid And thereof he brings his Suit &c And he brings here into Court the Writing Obligatory aforesaid which the Deft aforesaid in form aforesaid testifies whose Date is the same Day and Year aforesaid. —

Pl. Ex John Doe & Richd Roe —

And the aforesaid Elizabeth by Edmund Jennings her Attorney Comes & Defends & the force and injury when &c And prays a hearing of the Writing Obligatory aforesaid & to her it is read — She also prays a hearing of the Condition of the Obligation aforesaid & to her it is read in these Words. The Condition of the above Obligation is Such that if the above bound Josiah Wilson Executor of the Last Will & Testament of Josiah Wilson of Prince Georges County Dec'd do make or Cause to be made a true & perfect Inventory of all & Singular the Goods and Chattles & Credits of the said Dec'd appraized in Money & the same so made do Exhibit or Cause to be Exhibitted into the Office for Probate of Wills &c at or before the first Day of May next Ensuing & the said Goods Chattles & Credits do well truly Administer Viz. do pay the Debts of the said Dec'd which he did owe at the time of his Decease so far forth as the said Goods Chattells or Credits Extend & the Law will Charge & pay & satisfye all just Fees due to the Commissary Generall & further Do make or Cause to be made a just & true Account of & upon his said Administration within Twelve Months from the Day of his Admittance to Such Administration & Such part or portion of the said Estate as shall be found remaining upon Such Account Examined & adjusted by the Judge for the time being for Probate of Wills &c do distribute as by the said Judge shall be limitted & appointed according to the true intent & meaning of the last Will & Testament of — (the)

the said Deceased & Lastly do at all & every time & times hereafter Clearly acquit Discharge & save harmless his said Lordship his Judges & all other his Officers & Ministers from all Persons having or pretending to have any Right title or interest in or to the said Goods Chattells & Credits that then this present Obligation to be void & of none Effect otherwise to Stand & remain & be in full force Power & Virtue in Law Which being read & heard the said Elizabeth Wilson Executrix of the said Josiah Wilson by her Attorney aforesaid prays leave to imparle hereunto — until next Court And she hath it And the same Day is given to the said Michael Howard Esqr his Lordships Attorney Generall who for his said Lordship in this behalf prosecuteth also —

At which said next Court to wit the 21st Day of October Anno Dom 1729 Comes — again as well the said Michael Howard Esqr his Lordships Attorney Generall who pro the said Elizabeth Wilson Executrix of the said Josiah Wilson by her Attorney aforesaid And the said Elizabeth Wilson &c as aforesaid by her said Attorney prays further leave to imparle hereunto until next Court & she hath it And the same Day is given to the said Michael Howard Esqr Attorney Generall who &c Also —

At which said next Court to wit the 19th day of May Anno Dom 1730 Comes — again as well the said Michael Howard Esqr his Lordships Attorney Generall who &c as the said Elizabeth Wilson Executrix of the said Josiah Wilson by her Attorney aforesaid And the said Elizabeth Wilson &c as aforesaid by her said Attorney prays further leave to imparle — hereunto until next And she hath it And the same Day is given to the said Michael Howard Esqr Attorney Generall who &c Also —

At which said next Court to wit the 20th Day of October Anno Dom 1730 — Comes again as well the said Michael Howard Esqr his Lordships Attorney Generall who &c as the said Elizabeth Wilson &c as aforesaid by her Attorney aforesaid And the said Elizabeth &c as aforesaid by her said Attorney saith that the said Lord Propry his Action aforesaid against her to have & maintain ought not because she saith that Josiah Wilson in the Condition of the Writing aforesaid mentioned did make a true & perfect Inventory of all & Singular the Goods Chattles & Credits which were of Josiah Wilson the Testator at the time of his Death appraised in Money & the same so made did Exhibit into the Office for Probate of Wills &c on the first Day of May next Ensuing the Date of the said Writing to wit at Annapolis in Ann Arundell County And the said Goods Chattells & Credits did well & truly administer Viz. did pay the Debts of the said Dec'd which he did owe at the time of his Death whereof he had Notice so far forth as the said Goods Chattles & Credits did Extend & the Law would Charge & pay and satisfye all just Fees due to the Commissary Generall & further did make a just & true Account of his Administration within twelve Months from his Admittance thereto & such part and portion as remained upon that Account which Account was Examined & adjusted by the Judge Appointed for Probate of Wills &c did Distribute as by the said Judge was limitted & appointed according to the Last Will & Testament of the Deceased (to wit) at Prince Georges County aforesaid And did always Clearly acquit discharge & save harmless the said Lord Propry his Judges & all other Officers & Ministers from all persons having or pretending to have any right title or interest in or to the said Goods Chattles & Credits And this she is ready to verifye And therefore prays Judgment if the said Lord Propry his Action aforesaid against her to have or maintain ought &c —

And Michael Howard Attorney Generall of the said Lord Propry that now is — who for the same Lord Propry following for the same Lord Propry saith that by any thing by the aforesaid Elizabeth above by pleading alledged the said Lord Propry from having his — Action aforesaid against the said Elizabeth ought not to be precluded because protesting that the aforesaid Josiah Wilson the Executor in the said Condition mentioned hath not observed performed fulfilled or kept any of the Articles Clauses or things in the Condition aforesaid specified — for Plea or Replication the same Attorney Generall however the said saith that the aforesaid (Josiah)