ther ad 19th Day of October anno Dom 1736 That the ad Richard Bennett recover
against the said Francis William & Thos. Holland Devisees ad ad the Sume of Eighty
Seven Pounds Sterl his Debt ad and his Damages assessed by the Detention of the Debt
to

1386 Pounds of Tobacco to the same Richard
on his ascent by the Court hereto him adjudged &c and the ad Francis William & Thos
Holland in Mercy &c

Mem. The Deft Relieves so much as Philip Thos & Saml Chew Esqrs
Trustees to whom it is referred to Settle and adjust any Payment Supposed to have been
made towards the Debt sued for shall adjudge Ought to be Discounted

Dd Richard Bennett Esq. } Maryland fs. Ann Arundell County fs.
Wc. Wm Holland Devisees } Be it Remembred
that heretofore to wit the 21st Day of October anno Dom 1735
Francis Holland of Baltimore County Gent. William Holland & Thomas Holland
of Calvert County Gent. devisees of William Holland late of Ann Arundell County Esqr. dec
& the rest & Called William Holland of Ann Arundell County Gent of divers Lands and
Tenements whereof the same William was Seized in his Demesne as of Fee at the
time of his Death were Summoned to answer unto Richard Bennett of a Plea
That they render unto him Eighty Seven Pounds Sterl which to him they owe and
Unjustly detain &c.

And Whereupon the same Richard by Daniel
Dulany his atty Saith that Whereas the said William in his Life Time the twenty
Ninth Day of July in the year of our Lord Seventeen Hundred and twenty four at Ann Arun
dell County by his Certain Writing Obligatory Acknowledged to be held and firmly
Bound unto the said Richard in the said Eighty Seven Pounds to be paid to the said
Richard when required to the true Payment the said William in his Life Time by
the said Writing firmly Bound himself heirs Exors & Admors yet the said William &
in his Life Time & the said Francis William & Thos Since his Death to which &c
same Francis William & Thos the said William the Devisor by his Last Will and
Testament in Writing by him duely Made & Executed the Seventeenth Day of August
in the year of our Lord Seventeen Hundred and twenty four at the County ad gave
and Devised Severale Lands & Tenements whereof the said William at the time of his
Death was Seized in his Demesne as of Fee / or any of them altho often required
the said Eighty Seven Pounds or any Part thereof to the said Richard have not nor
hath any of them rendered but the Same to him to Render have & every of them
hath refused & the Same to him to render the said Francis William & Thomas Still
refuse & Gainsay to the Damage of the said Richard Fifty Pounds Sterl.
and therefore he brings Suit and he brings here into Court the Writing aforesaid Sealed
the Date ad in form ad testifies the Date thereof is the Day and year ad &c

Pltffs Atty Jno Dod
Richd Rogers

(And)

And the aforesaid Francis William & Thomas Holland by William Cummings
their atty Come and Defend the force and Injury when &c and Pray a hearing of the
Writing obligatory ad and it is read unto them they likewise pray a hearing of the Condition
of the same Writing and it is read unto them in these Words fit.

Which Being read and heard the aforesaid
Francis William & Thomas Holland by their atty ad pray Leave to Imparle hereunto
until next Court and they have it and the same Day is given to the said Richard Bennett
Esqr also.

At Which said next Court to wit the 18th Day of May anno Dom
1736 Come again as well the said Richard Bennett Esqr. by his atty aforesaid as the said
Francis William & Thos by their atty ad as the said Francis William & Thomas
Holland Devisees as ad by their atty ad before Defend the force an Injury when &c
And Say that the aforesaid Richard Bennett his action ought not against them to have
or maintain ought not because they say that the ad William Holland in his Life
Time after the ad twenty fifth Day of June anno Dom Seventeen Hundred & twenty
Six in the Condition aforesaid mentioned before the Day of the Impetration of the Original
Writ ad to wit on the twelfth Day of December anno Dom Seventeen Hundred and twenty
Nine did pay unto the said Richard Bennett Forty three Pounds ten Shillings Sterling
being the Principall Sume owing to the said Richard Bennett in the Condition of the Writing
ad to gether with the whole Interest of the aforesaid Forty three Pounds ten Shillings then
Owing to wit at Ann Arundell County aforesaid And this they are ready to Verify Wherefore they pray
Judgement if the ad Richard Bennett his action ad against them to have to have &c
maintain Ought &c

And the said Richard Saith that he by any thing above
alledged from having and maintaining his action aforesaid Ought not to be precluded &c
because he saith that the said William Holland in his Life Time did not pay unto the
said Richard Bennett the said Forty three Pounds ten Shillings in the Condition of the
said Writing mentioned and the Interest thereof as the said William & Thomas have
above alledged & this he prays may be Inquired of by the Country And the Defendants

Whereupon for Trying the Issue ad Command
is given to the Shff. of Ann Arundell County that he Cause to Come before the Justices of the Prove
Court to be held at Annapolis the third Tuesday in October next a Jury before the Justices
appointed to take the Assizes in the said County if they shall before that Time come
on Monday the thirteenth Day of September next to the County Court House in the said County
Twelve &c who neither &c to recognize &c because &c &c.

Afterwards the Process Continued between the
Parties ad on the Plea aforesaid by the Jury being put thereon in Respite here until the
Third Tuesday of October next unless the Justices of his Lordship the Lord Proprietary to take
the Assizes in the said County assigned on Monday the thirteenth Day of September next
to the County Court House in the said County should Come.

And now here at this Day to
wit the ad 19th Day of October anno Dom 1736 Come again into his Lordships
Provincial