Young his Att.y & hibited to the Justices of the Provincial Court of the Lord Prop.y there his Certain Bill against Robert Gordon Esquire one of the Justices of the Provincial Court of the Lord Prop.y present herein Court in his proper person the Tenour of which Bill follows in these Words To the Justices of the Prov. Court of the Lord Prop.y there to wit Mordecai Hammond Assignee of Aehsah Woodward Adm.r of the Goods & Chattles which were of Amos Woodward at the time of his Death who died Intestate &c. by Benjamin Young his Att.y Complains of Robert Gordon Esq: one of the Justices of the Provincial Court of the Lord Prop.y here other wise called Robert Gordon of the City of Annapolis in Arundell County in the Province of Maryland Gent Present here in court in his proper person for that that he should render to him Ninety Pounds Current money which he from him unjustly detains &c. for that, to wit, that Whereas the afore said Robert Gordon on the twentieth Day of May in the Year of Our Lord One thousand Seven hundred & twenty Eight at the City of Annapolis in Aun Arundell County a.p. by his Certain Writing Obligatory Granted himself to be bound unto the def. Amos in his lifetime in the a.p. Sum of Ninety Pounds Current money to be paid to the said Amos his heirs Ex.rs or Adm.rs Factors or Assigns when thereto afterwards he should be required And the said Mordecai further saith that the a.p. Aehsah afterwards to wit the twentieth Day of March in the Year of Our Lord One thousand Seven hundred & thirty Eight nine at the City & County a.p. (the a.p. Sum of Ninety Pounds Current Money or part thereof in no sort being paid or Satisfied) by a Certain Writing made & to the same Writing Obligatory annexed Sealed with her Seal & with her hand Subscribed bearing date the Day & Year last mentioned the Same Writing Obligatory & the Ninety Pounds Current money therein mentioned unto the a.p. Mordecai did Assign According to the force form & effect of the Acts of Assembly in such Case made Whereof the said Robert then & there had notice by reason of which Premises & also by force of the Acts of Assembly a.p. Action hath Accrued unto the same Mordecai as Assignee of the a.p. Aehsah to demand & have from the a.p. Robert the a.p. Ninety Pounds Curr.t money Nevertheless the a.p. Robert altho often required the a.p. Ninety Pounds Curr.t money unto the a.p. Amos in his lifetime hath not paid nor after the death of the said Amos to the said Aehsah to w.ch said Aehsah Administration of the Goods Chattles Rights & Credits which were of the said Amos at the time of his Death was by Daniel Dulany Esq.r Commissary Gen.l for Probate of Wills & Granting Administration &c. on the Seventh Day of April in the Year of our Lord Seventeen hundred & thirty five in due form of Law committed hath paid nor after the Assignment a.p. to the said Mordecai hath paid nor to either of them hath paid but the same to him the said Mordecai hitherto to pay altogether hath refused & still doth refuse Whereupon he Saith that he is the Worse & hath Damage to the value of fifty Pounds Current money & therefore he brings Suit &c. And brings here into Court as well the Writing Obligatory a.p. as the Assignment a.p. the dates whereof are the Day & Years a.p. which Testifye as well the debt a.p. as the Assignment a.p. &c. And brings likewise here into Court the Letters of Administration of Daniel Dulany Esq.r

Comd.y

Commissary General of Maryland which the Commission of the Administration of all & Singular the Goods Chattles Rights & Credits which were of the a.p. Amos at the time of his Death to the a.p. Aehsah in due manner & form testifye the date whereof is the Seventh Day of April Anno Domini Seventeen hundred & thirty five &c. Pledges &c. John Doe & Richard Roe

And the said Robert Gordon by Daniel Dulany his Att.y comes & defends the force & Injury when &c. And Prays a hearing of the Writing Obligatory a.p. & he hath it and Prays likewise a hearing of the Condition of the same Writing which was read to him in these Words following to wit the Condition of this Obligation is such that if the above bounden James Gwynne or Robert Gordon their heirs Ex.rs or Adm.rs or either of them shall well & truly pay unto the said Amos Woodward his heirs Ex.rs Adm.rs or Assigns the Sum of Forty five Pounds Current money before or at the twenty Ninth May Seventeen hundred & twenty Eight ensuing the date here of then this Obligation to be Void otherwise to remain in full force & virtue in the Law

Which being Read & heard the said Robert Gordon by Dan.l Dulany his Att.y Prays leave to Imparle hereunto untill next Court & he hath it & the same Day is given to the Pl.ff also.

At which said next Court, to wit, the 20th Day of May Anno Dom.i 1740 Comes again the said Parties Pl.ff & Def.t by their Att.ys a.p. & the said Def.t by his said Att.y Prays further leave to Imparle hereunto untill next Court & he hath it & the same Day is given to the Pl.ff also.

At which said next Court to wit, 21st Day of October Anno Dom.i 1740 Comes again as well the said Mordecai Hammond Assignee of Aehsah Woodward Adm.r of Amos Woodward by Benjamin Young his Att.y & the said Robert Gordon by Daniel Dulany his Att.y & the said Robert Gordon by his said Att.y as before defends the force & Injury when &c. And Saith that the said Mordecai Hammond his Action a.p. against him to have or maintain ought not because he saith that the Declaration a.p. & the matters therein contained are not Sufficient in Law to maintain the said Action or to compell him to Answer thereto & that he to that Declaration hath no need nor by the Law of the Land is compelled to Answer and this he is ready to Verifye and therefore for want of a Sufficient Declaration in this part the said Robert Prays Judgment that the said Mordecai from having or Maintaining his Action a.p. against him may be precluded &c. And the a.p. Mordecai saith that for any thing before alledged, the Declaration of him the said Mordecai a.p. ought not to be stayed because he saith that the Declaration a.p. & the matter in the same contained are good & Sufficient in the Law to maintain the a.p. Action of him the said Mord.i &c. against him the said Robert which said Declaration & the matter in the same contained the said Mord.i is ready to Justifye & Prove &c. And because the a.p. Robert hath not Answered to the said Declaration nor the same hitherto hath any ways denied the same Mord.i Prays Judgment & his Damages by Occasion of the Premisses to be Adjudged to him &c.

Whereupon all & Singular the Premisses being by the Court here soon heard & fully understood & mature deliberation thereupon had & for that it seems to the Court here that the Declaration a.p. of him the said Mord.i & the matter in the same contained are not Good & Sufficient in Law for him the said Mord.i to have & Maintain his Action a.p. against him the said Robert, Therefore it

(it)