First for that the Defendant by the Law of the Land is Estopt from pleading the matter he has pleaded

Secondly for that the said plea is Vicious in form and Substance

And the aſd Charles Brown Saith that the plea aſd by him Charles in manner and form aſd above pleaded and the matter in the same Contained are good and Sufficient in the Law to have precluded them the said Samuel James and Enoch Jenkins from their Action aſd thereof against him the said Charles which same plea and the matter in the same Contained he the same Charles is ready to Aver and Prove as far as the Court &c. And because the aſd Samuel James and Enoch Jenkins have not Answered to that plea nor the same hitherto have any way denied the same Charles as before prays Judgment and that the aſd Samuel James and Enoch Jenkins from having their Action aſd against him the said Charles Brown may be precluded &c.

And the said Charles Brown with the licence of this Court further Saith that the said William Prosecuted the Injunction aſd at the Chancery Court held at Annapolis with Effect untill the Reversall of the Judgment aſd for the Error aſd by the Reversall whereof it became Impossible for the said William to obtain any Decree of the Chancery Court against the said Samuel and Enoch and that no Award Sentence Order or or Decree was made by the said Court of Chancery in the Premisses and this he is ready to verify and therefore prays Judgment if the said Samuel and Enoch their action aſd against him to have or maintain ought &c.

And the said Samuel & Enoch by their Attd. Jaſd. Say that by any thing Pro allledged from having their Action aſd against him the said Charles ought not to be precluded because they Say that the said plea so as aſd Pleaded and the matter therein Contained is altogether Insufficient in Law the Samuel & Enoch to Preclude from having their Action aſd And that they to the plea aſd in manner and form as above Pleaded have no need nor by the Laws of the Land are held to Answer and this they are ready to Verify Wherefore for want of a Sufficient Answer in this part the said Samuel and Enoch Prays Judgment together with their Debt and Damages by reason of the Premises to them to be Adjudged

And for Reasons of Demurring According to the form of the Statute in such Cases lately made and Provided they Show to the Court here the following Reasons Viz. First for that Defendant by the Law of the Land is Estopt from pleading the matter he has pleaded

Secondly for that the said first plea is Vitious in form and Substance

And the said Charles Brown Saith that the plea aſd by him Charles in manner and form aſd above pleaded and the matter in the same Contained are good and Sufficient in the Law to have precluded them the said Samuel James & Enoch Jenkins from their Action aſd thereof against him the said Charles which same plea and the matter in the same Contained he the same Charles is ready to Aver and Prove as far as the Court &c. And because the aſd Samuel James and Enoch Jenkins have not Answered to that plea nor the same hitherto have any way Denied the same Charles as before prays Judgment and that the aſd Samuel James and Enoch Jenkins from having their Action aſd against him the said Charles Brown may be precluded &c.

But the said Samuel James and Enoch Jenkins altho Solemnly called comes not but make default nor do they further prosecute their Writ in the plea aſd against the said Charles Brown but Voluntarily suffer their Suit to Discontinue

Therefore it is Considered by the Justices here that the said Samd. James

(and)

and Enoch Jenkins take nothing by their Writ aſd but be in Mercy for their false Clamour & that the said Charles Brown go thereof without Day.

Samuel James & Enoch Jenkins aga.st William Alexander . . . . . } Command was given to the Sheriff Cecil County that he should take William Alexander late of Cecil County Gent otherwise called William Alexander of Cecil County Mer:chant if he should be found in his Bailywick and him safe keep so that he might have his Body before the Justices of his Lordships Provincial Court to be held at Annapolis the third Tuesday of May then next to Answer unto Samuel James and Enoch Jenkins of a plea that he render unto them the Sum of One hundred Pounds Sterling which to them he Oweth and unjustly detaineth &c. And that thereof he the said Sheriff should not fail &c. And thereupon the said Plaintiffs by Joshua George their Attorney Declare against the said Defendant in the Plea aſd as follows Viz. Maryland ſs. William Alexander late of Cecil Cty Gent otherwise called William Alexander of Cecil County Merchant was Summoned to Answer unto Samuel James and Enoch Jenkins of a Plea that he render unto them the Sum of One hundred pounds Sterling which to them he Oweth and unjustly detaineth &c.

And Whereupon the aſd Samuel James and Enoch Jenkins by Joshua George their Attorney Say that Whereas the aſd William on the Second Day of November in the Year of Our Lord Christ Seventeen hundred thirty and Seven at Cecil County aſd by his Certain Writing Obligatory granted himself to be held to the same Samuel James and Enoch Jenkins in the aſd Sum of one hundred pounds Sterling to be paid to the aſd Samuel James and Enoch Jenkins when afterwards he should be thereunto required Nevertheless the aſd William the often required the aſd One hundred pounds Sterling to them the aſd Samuel and Enoch or to either of them hath not yet paid but he to them or either of them hitherto to pay hath gainsayed and as yet doth gainsay Wherefore they Say that they are the worse and have damages to the value of Fifty pounds Sterling and therefore they bring this Suit &c. and they bring here into Court the Writing aſd which the Debt aſd in form aſd Testifyes the Date whereof is the Day and Year aſd &c. Pledges &c. John Doe & Richd. Roe

A Copy of the aforegoing Declaration was made and Sent with the Writ in the Plea aſd

At which said third Tuesday of May to wit the 20th Day of the same Month Anno Dom 1740 Being the Day of the return of the aforegoing Writ Come into his Lordships Provincial Court here the said Samuel James and Enoch Jenkins by Joshua George their Attd. aforesaid and the Sheriff of Cecil County to whom the same Writ was directed likewise comes and makes return thereof to the Court here thus Endorst Viz.

Cepi Copy Served in time
Edwd. Tilghman Shr.

And the said William Alexander by Daniel Dulany his Attorney Comes & defends the force and Injury when &c. And prays a hearing of the Writing Obligatory aſd and it is Read unto him. he also prays a hearing of the Condition of the same Writing and it is read unto him in the Words following Viz.

The Condition of the above Obligation is such that if the above bound William Alexander shal and do Prosecute with Effect his Lordships Writ of Injunction for relief in Equity against the said Samuel James and Enoch Jenkins and to Stay Execution at Law in a Judgment Obtained in Cecil County Court by the said Enoch Jenkins as Attorney of the aſd Samuel James against him the said William Alexander as Executor of Robert Alexander and shall satisfy and pay unto the said Samuel James and Enoch Jenkins the Debt aſd and all Costs and damages allready due and that shall or may arise by means of Praying such Injunction or delaying or Staying Execution on the said Judgment

(or)