April Term 1742.

Or otherwise thereon if the said William Alexander shall not obtain a Decree of the Court of Chancery to the Contrary and in case the said William Alexander shall in all things relating to Premisses stand to and abide the Award Sentence Order and Decree of the said Court of Chancery then this Obligation to be void & of no Effect otherwise to remain in full force and Virtue — Which being Read and heard the said William Alexander by his said Attorney prays leave to Imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiffs also.

At which said next Court, to wit, the 21st Day of October Anno Domini 1740 Come again the said Parties Plaintiffs and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiffs also

At which said next Court, to wit, the 14th Day of April Anno Dom 1741 Come again the said Parties Plaintiffs and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiffs also.

At which said next Court, to wit, the 13th Day of October Anno Dom 1741 Come again the said Parties Plaintiffs and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiffs also.

At which said next Court, to wit, the 13th Day of April Anno Dom 1742 Come again as well the said Samuel James and Enoch Jenkins by their Attorney aforesaid as the said William Alexander by his Attorney aforesaid and the said William Alexander by his said Attorney as before defends the force and Injury when &c. And Saith that the said Samuel and Enoch their Action aforesaid against him to have or maintain ought not because he Saith that the said Enoch never had or Recovered any Judgment as Attorney of the said Samuel against him the said William Alexander as Executor of Robert Alexander and that no Debt or Cost was due to the said Samuel and Enoch at the time of Forfeiting of the Writing aforesaid or did Accrue by means of Suing the Injunction in the Condition of the said Writing Specified and this the said William Alexander is ready to Verify and therefore prays Judgment if the said Samuel and Enoch their Action aforesaid to have ought.

And the aforesaid Samuel and Enoch by their Attorney aforesaid Say. That by any thing Preallledged from having their Action aforesaid against him the said William ought not to be Precluded because they Say that the said Plea by the said William so as aforesaid Pleaded and the matter therein contained is altogether insufficient in Law the same Samuel and Enoch to preclude from having their Action aforesaid. And that they to the Plea aforesaid 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 Premisses 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 the Defendant by the Law of the Land is Estopt from pleading the matter he has Pleaded. Secondly for that the said Plea is Litious in form and Substance.

And the aforesaid William Alexander Saith that the Plea aforesaid by him William in manner and form aforesaid above pleaded and the matter in the same

(Contained)

April Term 1742.

Contained are good and Sufficient in the Law to have precluded them the said Samuel James & Enoch Jenkins from their Action aforesaid against him the said William which same Plea and the matter in the same Contained he the same William is ready to Aver and Prove as far as the Court &c. And because the aforesaid Samuel James and Enoch Jenkins have not Answered to that Plea nor the same hitherto have any way denyed the same William as before prays Judgment and that the aforesaid Samuel James and Enoch Jenkins from having their Action aforesaid against him the said William Alexander may be precluded &c.

And the said William by the Licence of this Court further Saith, That well and true it is that the said Samuel James Obtained Judgment against the said William Alexander in his capacity as Executor of Robert Alexander at a County Court held at Elk river in Cecil County before Coll: Thomas Colvill and his Associates Justices of the same Court the fourteenth Day of June in the Year of our Lord Seventeen hundred and thirty Seven by Consideration of the same Court for thirty six pounds three Shillings and five pence damages and nine hundred and forty four pounds of Tobacco Cost. Wherein Error happened to the great damage of the said William yet that the said William for Correcting that Error obtained the Writ of the said Lord Proprietary out of the Chancery Court of the said Lord Prop.ry at Annapolis the twenty Eighth Day of March in the Year of our Lord Seventeen hundred and thirty Eight directed to the said Thomas Colvill and his Associates Justices of the same County Court of Cecil County Commanding them to send the Record & Process of the said Judgment with all things touching the same under their Seal distinctly and Openly before the Justices of the Lord Prop.ry of this Provincial Court to be held at Annapolis the third Tuesday of May then next Ensuing that the said Record and Process being inspected into the said Lord Prop.ry might further do therein that of right and according to the Laws and Customs of the Province of Maryland was and ought to be done. In Obedience to which same Writ the said Thomas Colvill and his Associates sent the Record and Process aforesaid with all things touching the same distinctly and Openly under their Seal from Cecil County aforesaid before the Justices of the said Lord Proprietary of the Provincial Court held at Annapolis the third Tuesday of May aforesaid According to the Exigence of the said Writ. Wherein it was so far proceeded that at a Provincial Court of the said Lord Prop.ry held at Annapolis the third Tuesday of May Anno Dom Seventeen hundred and thirty nine before Levin Gale Esq.r and his Associates of the same Court that upon Inspecting the Record and Process aforesaid for the Error therein Contained the Judgment aforesaid by Consideration of the same Court was then and there Reversed and held for none And the said William Alexander to all he thereby lost restored as by the Record and Process aforesaid and the Record Process and Proceeding of the Provincial Court here is Manifest All which the same William by the same Record and Proceedings will Verify and therefore prays Judgment if the said Samuel & Enoch their Action aforesaid against him to have or maintain Ought, with this that the said William will verify that the said Sam.l & Enoch or either of them did not recover or obtain any other Judgment against him the said William Alexander besides the Judgment herein before mentioned which was Reversed as aforesaid —

And the aforesaid Samuel & Enoch by their Attorney aforesaid Say That by any thing preallledged from having their Action aforesaid against him the said William ought not to be Precluded because they Say, That the said Plea by the said William so as aforesaid Pleaded and the matter therein Contained is altogether insufficient in Law the same Samuel and Enoch to Preclude from having their Action aforesaid And that they to the Plea aforesaid 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 Premisses 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 the Defendant by the Law of the Land is Estopt from pleading the

(matter)