was Summoned to answer unto Rebecca Tilley Executrix of the last Will and Testament of John Prichard of Prince George's County Merchant Deceased of a Plea that he render unto her nineteen hundred and fifty three pounds and eight Pence Sterling which from her he unjustly detains &c. And thereupon the same Rebecca Tilley by William Cumming her Attorney says that Whereas the aforesaid James Brooke on the Twenty first Day of April in the Year of Our Lord God one Thousand Seven hundred and forty at Anne Arundell County by his Certain writing Obligatory acknowledged himself to be indebted to the aforesaid John Prichard in his lifetime in the aforesaid sum of nineteen hundred and fifty three pounds and eight pence to be paid to the said John Prichard when afterwards he should thereunto required Now the Plaintiff the aforesaid James although often requested the aforesaid sum of nineteen hundred and fifty three pounds and eight pence to the said John Prichard in his lifetime or to the aforesaid Rebecca after the Death of the said John Prichard hath not paid but the same to them to pay hath refused and the same to the said Rebecca as yet to pay hath refused and unjustly detains Whereupon she says she is the worse and hath damage to the value of two Thousand pounds Sterling and thereof she brings the Suit &c. and she brings here into Court the Writing aforesaid which the Debtor aforesaid in form aforesaid Testifies whose date is the Day and Year aforesaid as the Letters Testamentary of the aforesaid John Prichard thereby it appears to the Court here the aforesaid Rebecca to be Executrix of the aforesaid Testament of the aforesaid John Prichard and thereof to have the Administration &c.

Pledges &c. John Doe and Rich. Roe

A Copy of which aforegoing Declaration was made and sent with the Writ in the Plea aforesaid At which said third Tuesday of May to wit the 17th Day of the same Month Anno Dom. 1744 being the day of the return of the aforegoing Writ Comes the said Rebecca Tilley Exx as aforesaid by her Attorney aforesaid And the Sheriff of Prince George's County to whom the same Writ was directed likewise Comes and makes return thereof to the Court here thus Endorsed Vizt. Cepi & Copy left in time Jno. Hepburn Shff.

And the aforesaid James Brooke by Daniel Dulany his Attorney Comes and defends the force and Injury when &c. and prays a hearing of the writing Obligatory aforesaid and it is read unto him. And he also prays a hearing of the Condition of the same Writing and it is read unto him in these words viz. Whereas the above bound Richard Snowden hath Obtained an Injunction in the High Court of Chancery to Stay Proceedings at Law on a Judgment rendred against him in the Provincial Court at the suit of the above named John Prichard for the sum of nine hundred and Seventy six pounds ten Shillings and four pence Sterling Now the Condition of the above Obligation is such that if the said Richard Snowden shall Prosecute the said Injunction with Effect and satisfy and pay the said nine hundred and Seventy six pounds ten shillings and four pence Sterling as all Costs damages and Charges that shall accrue in the said Chancery Court or be occasioned by Delay or Execution on the said Judgment unless the said Court of Chancery shall decree to the Contrary and shall in all things Stay such Order and Decree as the said Chancery Court shall make in the Premises or then the above Obligation to be Void, else to be in full force and Virtue. Which being read and heard the said James Brooke prays Leave to imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiff also

At which said next Court to wit the 18th Day of October Anno Dom. 1743 Come again the said Parties Plaintiff and Defendt by their Attorneys aforesaid and the said Defendt 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 Plaintiff also

At which said next Court to wit the 10th Day of April Anno Dom. 1744 Come again the said Parties Plaintiff and Defendt by their Attorneys aforesaid and the said Defendt 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 Plaintiff also

At which said next Court to wit the 11th Day of September Anno Dom. 1744 Comes again as well the said Rebecca Tilley Exx as aforesaid by her Attorney aforesaid as the said James Brooke by his Attorney aforesaid. And the said James Brooke by his said Attorney as before Defends the force and Injury when &c. and saith that the said Rebecca her Action aforesaid against him to have or maintain ought not because he saith that on the sixteenth Day of August in the Year of our Lord Seventeen hundred and forty he the said Richard Snowden Exhibitted his Bill of Complaint into the High Court of Chancery of this Province according to the Course and Practice of the same Court to wit, in Annapolis, against the said Joseph Prichard in his lifetime for Relief ag.t the

the payment of the said nine hundred and Seventy six pounds ten shillings and four pence Sterling in the Condition of the said Writing mentioned as by the same Bill remaining in the same Court of Chancery may appear, And the said Jas. Brooke further saith that the said John Prichard in his lifetime afterwards to wit in the Chancery Court held at Annapolis the Day of December in the Year aforesaid Exhibitted an answer to the said Bill of Complaint according to the Course and Practice of the same Court as by the same answer remaining in the same Court may appear, and the said James Brooke further saith that the cause aforesaid continued undetermined in the said Court from the time of the Exhibition of the said Bill and answer, to wit, at Annapolis aforesaid untill the Day of in the Year of Our Lord Seventeen hundred and on which same Day of the said John Prichard died, to wit, in Prince George County and so the said Richard Snowden saith that he Prosecuted the said Writ of Injunction with Effect untill the further Prosecution thereof or the Obtaining any Decree against him the said John Prichard became impossible by the Death of the said John Prichard and this he is ready to Verify, and therefore prays Judgment if the said Rebecca her Action aforesaid against him to have or maintain ought &c.

And the aforesaid Rebecca Exx saith that she by any thing by the aforesaid James by Pleading alledged her Action thereof aforesaid against him the said James from having ought not to be Precluded because she saith that after the Death of the aforesaid John Prichard and after she the said Rebecca had taken upon her self the Burthen of the Execution of the last Will and Testament aforesaid before the impetration of the Original Writ of her the said Rebecca against the said James Brooke in this Cause to wit, on the first Day of April in the Year of our Lord God one Thousand seven hundred and forty Two at County aforesaid She the said Rebecca gave Notice and Requested the aforesaid Richard to Revive the aforesaid Bill of Complaint so as aforesaid Exhibitted in the High Court of Chancery aforesaid against her the said Rebecca as Executrix of the last Will and Testament aforesaid according to the Course and Established Practice in the same Court of Chancery in such Cases rejed and Provided and that the said Richard the same Bill of Complaint to Revive as aforesaid and the Writ of Injunction further to Prosecute against her the said Rebecca as Exx as aforesaid then and hitherto hath Delayed and denied at the County aforesaid and this the said Rebecca is ready to Verify wherefore she prays Judgment and that her Debt aforesaid together with her damages by occasion of the Detention of that Debt to her may be adjudged &c.

And the said James saith that the Plea aforesaid by Replication above Pleaded and the matters therein Contained are not Sufficient in Law for her the said Rebecca her Action aforesaid against him to have or maintain or to Compelle him to answer thereto and that he to the same Replication hath no Need nor by the Law of the Land is held to answer and this he is ready to Verify, wherefore for want of a sufficient Replication in this part the said James prays Judgment that the said Rebecca from having or maintaining her action aforesaid may be Precluded.

And the said Rebecca Exx as aforesaid saith that the Plea aforesaid by her the said Rebecca in manner and form aforesaid above in her replication Pleaded and the matters in the same Contained are good and Sufficient in Law for her the said Rebecca to have and maintain her Action aforesaid against him the said James Brooke which said Plea and the matters in the same Contained she the said Rebecca is ready to aver and Prove so far as the Court here shall award &c. and because the said James Brooke hath not answered to that Plea nor the same hitherto in any manner hath denied the said Rebecca as before demanded Judgment and her debt aforesaid together with her damages on occasion of detaining that Debt to be adjudged to her &c.

Whereupon all and Singular the Premises being by the Court here seen heard fully understood and Mature Deliberation thereupon had for that it seems to the Court here that the Plea of the aforesaid Rebecca Tilley Exx as aforesaid above in Replying alledged and the matters therein Contained are not Sufficient in Law for the aforesaid Rebecca her Action aforesaid against the said James Brooke to have and maintain.

Therefore it is considered by the Justices here that the said Rebecca Tilley Exx as aforesaid take nothing by her Writ aforesaid but that she and her Pledges of Prosecuting to wit John Doe and Roe be in Mercy &c. and that the said James Brooke go thereof without Day &c.

Test. Rich. Burdett Cl.

Ad. John Hence and Wife
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Addertonfirmer - - -

Mem. The Defendant filed out his Lordships Writ of Habeas Corpus the Tenor whereof follows in these words Vizt. Maryland ss. Charles absolute Lord and Propry of the Provinces of Maryland and Avalon

(Lord)