And the afsd William Hedgest and Rebecca his Wife by Daniel Dulany their Attorney come & defend the Force and Injury when &c. and pray that the afsd Henry Hanison may be adjudged to give Security for cost in Case he shall happen to be Nonsuited in the Plea afsd. Thereupon a certain of County becomes Security for the Payment thereof —

And the said William Hedgest and Rebecca his Wife by their said Attorney pray a hearing of the Original Writ of him the said Henry in this Cause Impetrated and they have it in these Words following viz.t Maryland ss. Charles Absolute Lord and Propry. of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Annarundel County Greeting We command you that you take William Hedgest late of Annarundel County Gentleman and Rebecca his Wife (therewife) lately called Rebecca Heath Executrix of James Paul Heath Merchant lately deceased if they shall be found in your Bailiwick and them safe keep so that you have their Body before the Justices of our Provincial Court to be held at Annapolis the Second Tuesday of April next to Answer unto Henry Hanison of a Plea that they render unto him the Sum of Two hundred and twenty three Pounds of good and Current Lawfull Paper Currency of this Province which to him they owe and unjustly detain &c. Hereof fail not at your Peril and have you then and there this Writ Witness Benj.a Young Esq.r Chief Justice of our Provincial Court the 31.st Day of October in the 35.th Year of our Dominion &c. Annoq Dom. 1749

They pray also a hearing of the Writing Obligatory afsd and it is read unto them they pray likewise a hearing of the Condition of the same Writing and it is read unto them in these Words following viz.t The Condition of the above Obligation is such that if the above Bound Rebecca or her Heirs Executors or Administrators shall well and truly pay or cause to be paid unto the above Named Henry Hanison or his certain Attorney Executors Administrators or Assigns the Sum of One hundred and eleven Pounds and ten Shillings of like Money above mentioned on or before the Seventh day of October which shall be in the Year of our Lord Seventeen hundred and forty eight together with Interest for the same from the date hereof — then the above Obligation to be Void and of none Effect else to remain in full force and Virtue in Law

Which being severally read and heard the said William Hedgest and Rebecca his Wife saving to themselves all manner of Advantage as well to the Writ as to the Declaration afsd prays leave to Imparle hereunto untill next Court and they have it and the same day is given to the Plaintiff also

At which said next Court to wit the 11.th day of September Anno Dom. 1750 Come again the said Parties Plaintiff and Defendant by their Attorneys afsd and the said Defendants by their said Attorney pray further leave to Imparle hereunto untill next Court and they have it and the same day is given to the Plaintiff also

At which said next Court to wit the 9.th day of April Anno Dom. 1751. Come again the said Parties Plaintiff and Defendants by their Attorneys afsd and the said Defendants by their said Attorney pray further leave to Imparle hereunto untill next Court and they have it and the same day is given to the Plaintiff also

At which said next Court to wit the 10.th day of September Anno Dom. 1751. Comes again as well the said Henry Hanison by his Attorney afsd as the afsd William Hedgest & Rebecca his Wife by their Attorney afsd and the said William Hedgest and Rebecca his Wife by their said Attorney as before defend the Force and Injury when &c. and say that they with the Debt afsd by Virtue of the Writing afsd to be Charged ought not Because they say That —

(that)

that Writing is not the Act and Deed of the said Rebecca and thereof they put themselves upon the Country and the Plaintiff also

Nevertheless the afsd William Hedgest and Rebecca his Wife by their Attorney afsd relinquishing the Averment above by them pretended say that they cannot deny the Action afsd of the afsd Henry Hanison so as afsd against them brought nor but that the Writing afsd is the Act and Deed of her the said Rebecca nor but that they owe to the same Henry Hanison the afsd Sum of Two hundred and twenty three Pounds of good and Current Lawfull Paper Currency of this Province in manner and form so as the afsd Henry Hanison above against them have Complained

Therefore it is Considered by the Justices here that the said Henry Hanison recover against the said William Hedgest and Rebecca his Wife as well the afsd Sum of Two hundred and twenty three Pounds of good and Current Lawfull Paper Currency of this Province his Debt afsd as also the Sum of Pounds of Tobacco by the Court here unto him on his Absent Adjudged as well for his Damages Sustained by means of detaining that Debt as for his Costs and Charges by him about his Suit in this behalf laid out and expended, and the said Defendant in Mercy &c.

Memd the Plff. agrees to stay Execution on the above Judgmt. till the last day of April next

Test. S. Burgess Clk

Plff. Stephen Bordley
vs.
Defd. James Dick Admr. of Francis Lee

Memd the Plaintiff Sued out his Lordships Writ of Scire facias the Tenor whereof follows in these Words viz.t Maryland to wit Charles Absolute Lord and Propry of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Annarundel County Greeting Whereas by an Act of Assembly made at a Session of Assembly begun and held at the City of Annapolis the twenty sixth day of April in the first Year of the Reign of our Sovereign Lord George of Great Britain France and Ireland King Defender of the Faith &c. and in the Year of our Lord One Thousand Seven hundred and thirteen Intituled An act for the Rectifying the Ill Practices of Attorneys of this Province and ascertaining Fees to the Attorney General Clerk of the Judicatory Attorneys and Practitioners of the Law in the Courts of this Province and for levying the same by way of Execution It is amongst other things Enacted "That from "and after the end of the present Session of Assembly there should be paid to any "Attorney or other Person Practising the Law in any of the County Courts of this Province "for bringing Prosecuting or defending any Action of what Nature or Quality so ever to "final Judgment Agreement or other end thereof the Sum of One hundred Pounds of "Tobacco unless the Principal Debt or Damage or Ballance of any Debt and Damages "sued for and Recovered should exceed the Sum of Two Thousand Pounds of Tobacco "or Ten Pounds Sterling that then the said Attorney should have Two hundred Pounds "of Tobacco and no more And to any Attorney or other Person Practising the Law "in the Provincial Court High Court of Chancery Commissarys Court Court of Vice "Admiralty or for Prosecuting or defending any Appeals Writs of Error or any other matter "or thing whatsoever before his Excellency the Governor and Council the several Fees "thereafter expressed and set down (That is to say) for Prosecuting or defending any "Cause Plaint or Action of what Nature soever in the Provincial Court to final "Judgment Agreement or other end thereof the Sum of four hundred Pounds of Tobacco "and no more for any Fee in the high Court of Chancery and Court of Vice Admiralty "six hundred Pounds of Tobacco and no more for any Fee in the Commissarys Court "four hundred Pounds of Tobacco and no more for any fee upon any Writ of

(Error)