void otherwise it shall remain in full force and virtue in Law

Which being read and heard the aforesaid Thomas saith that he with the Bill aforesaid by virtue of the writing obligatory aforesaid ought not to be thereunto and because he says that the said writing is not his Deed and of this he puts himself upon the Country and the aforesaid Sarah in like manner &c. and the aforesaid Thomas by leave of the Court according to the form of the Statute in such case lately made and provided for the defendant the force and Injunction &c. and says that the said Sarah her action aforesaid against him the said Thomas to have or maintain ought not because he says that the said Thomas at Baltimore County aforesaid did pay to the said Sarah the sum of in the said condition mentioned according to the form and Effect of the condition of the said writing obligatory and this he is ready to verify and so forth whereupon he prays Judgment if the said Sarah her action aforesaid against him to have or maintain ought and so forth &c.

And the aforesaid Sarah as to the second plea aforesaid by the aforesaid Thomas above pleaded saith that she by anything in the same plea alledged from having and maintaining her action aforesaid against the aforesaid Thomas to be precluded ought not because she saith that the aforesaid Thomas hath not paid to her the said Sarah the aforesaid sum of fifty nine pounds ten shillings sterling money of Great Britain in the condition aforesaid mentioned according to the form and Effect of the same condition as the aforesaid Thomas hath above in his plea aforesaid alledged and this she prays may be enquired of by the Country and so forth and the aforesaid Thomas in like manner and so forth.

Whereupon for trying the Issue aforesaid Command is given to the Sheriff of Baltimore County that he cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next before the Justices appointed to take the Assizes in his County if they shall before that time to wit on Tuesday the seventh day of September next to the County Court House in the said County some Able and good and lawful men of his Bailiwick by whom &c. the matter &c. to recognize &c. because &c.

Afterwards the Sheriff continued Notice to the Parties as in the plea aforesaid by the Jury being put thereon in respite hereunto the third Tuesday of October next unless the Justices of his Lordship the Lord Proprietary to take the Assizes in the said County assigned on Tuesday the seventh day of September next to the County Court House in the said County shall come.

And now hereat this day to wit the third Tuesday of October being the 19th day of the same month Anno Domini 1756 come again into this Lordships Provincial Court as well the said Sarah Browing by her Attorney aforesaid

(As)

as the said Thomas Ward by his attorney aforesaid But the Sheriff hath not sent his writ.

Nevertheless the aforesaid Thomas Ward by his attorney aforesaid relinquishing the averments above by him protended saith that he cannot deny the action aforesaid of her the said Sarah Browing so as aforesaid above against him brought nor but that the writing obligatory aforesaid is the Deed of him the said Thomas Ward nor but that he owe unto her the said Sarah Browing the sum of one hundred and nine teen pounds sterling money of Great Britain in manner and form as she the said Sarah Browing above against him hath declared Therefore it is considered by the Court here that the said Sarah Browing recover against the said Thomas Ward owe well the sum of One hundred and nineteen pounds sterling money of Great Britain her Debt aforesaid in form aforesaid confessed as also the sum of pounds of Tobacco by the Court here unto her on her Account adjudged as well for her Damages sustained by Occasion of the detention of that Debt as for her costs and Charges by her about her suit in this behalf laid out and expended and the said Defendant in Mercy &c.

Test William Leigh Clk

Hezekiah Magruder } Maryland Ann Arundel County to wit
against } Be it Remembered that heretofore to wit the
James Hall } 15th day of November Anno Dom 1756 James Hall

by Daniel Dulany his Attorney sued out his Lordships Writ of Habeas Corpus the Tenor thereof follows in these words to wit

Maryland ss. Frederick absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c. To the Justices and Sheriff of Ann Arundel County greeting Whereas a certain James Hall late of Ann Arundel County Mariner is detained in the prison of our said County under the custody of you our said Sheriff at the suit of a certain Hezekiah Magruder of a plea of Trespass upon the Case which said plea and all things concerning the same you our said Justices understand and be being willing for certain causes that the said plea aforesaid undetermined as aforesaid shall be heard and determined before the Justices of our Provincial Court therefore We command you that you have the Body of the said James Hall by whatever name he be called in the plea aforesaid together with the day and cause of his Caption and Detainer and all things thereunto relating before the Justices of our Provincial Court to be held at Annapolis the third Tuesday of November next that our said Justices of our Provincial Court may further proceed therein as Justice appertains &c. hereof fail not at your peril and have you then and there this writ Witness John Brice Esquire Chief Justice of our said

(Court)