And the said Thomas Whittington in their proper person having with the leave of the Court according to the form of the Statute further come and say that the aforesaid John and Joseph their Execution aforesaid ought not to have because they say that they after the Judgment aforesaid in the writ of Scire facias aforesaid above mentioned and after the Marriage between them had Celebrated and before the Joining of the aforesaid writ of Scire facias to wit on the 20th day of October in the year of our Lord Seventeen hundred and fifty four at the said County paid to the said John and Joseph the Sum of five hundred and forty eight pounds and two fifths of a pound of Tobacco in Discharge and Satisfaction of the Judgment upon which said Sum of five hundred and forty eight pounds and two fifths of a pound of Tobacco they the said John and Joseph received and Accepted in full Satisfaction and Discharge of the said Judgment and this they are ready to Verify &c. Wherefore they pray Judgment if the aforesaid John and Joseph their Execution aforesaid against them ought to have &c.

As to the first plea of the aforesaid Thomas and this wife the aforesaid John and Joseph say that they by any thing in the same alledged from having Execution of their Costs of Suit aforesaid to be precluded ought not because they say that there is such a Record of the Recovery of Judgment aforesaid for the Costs of Suit aforesaid as they by their writ of Scire facias above have supposed as by the said Record now here remaining may appear and this they are Ready to Verify by that Record and pray that that Record may by the Court here be Seen & Inspected & So forth.

And as to the second plea the aforesaid John and Joseph say that they by any thing in the same alledged from having their Execution of their Costs of Suit aforesaid to be precluded ought not because protesting that the said John and Joseph the aforesaid Sum of five hundred and forty Eight pounds and two fifths of a pound of Tobacco in Satisfaction and Discharge of the Judgment aforesaid did not receive and Accept, to the plea in their Replication by way of Replication the aforesaid John and Joseph say that the aforesaid Thomas and Wilhelmina since the Marriage between them celebrated have not paid unto the aforesaid John & Joseph the aforesaid Sum of five hundred and forty Eight pounds & two fifths of a pound of Tobacco in the writ of Scire facias aforesaid mentioned in manner and form as the said Thomas and Wilhelmina his wife have above in their plea alledged & this they pray may be Enquired of by the Country & So forth and the aforesaid Thomas and Wife likewise thereupon for trying the Issues aforesaid Command is Given to the Sheriff of Anne Arundel County that he Cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next all and Singular the Jurors appointed to take the Assizes in his County if they shall happen

that,

That time to wit on Monday the thirteenth day of September next to the County Court house in the said County Come the said John and Joseph Brown by William Hyde their Attorney & Reginald Dorsey & Cause aforesaid afterwards the process continued between the parties aforesaid in the plea aforesaid by the Jury being put thereon in respite hereunto till the third Tuesday of October next unto the Justices of this Lordship the Lord Proprietary to take the Assizes in the said County Assigned on Monday the thirteenth day of September next to the County Court house in the said County shall Come.

And now here at 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 John and Joseph Brown by their Attorney aforesaid as the said Thomas Whittington and his wife by their Attorney aforesaid But the Sheriff hath not sent his writ.

Nevertheless the aforesaid Thomas Whittington and Wife by their Attorney aforesaid Relinquishing the Arrements above by them pretended say that they cannot deny the Action aforesaid of them the said John and Joseph Brown to the aforesaid above against them brought nor but that the said John and Joseph Brown Ought to have Execution against them for the aforesaid Sum of five hundred and forty Eight pounds and two fifths of a pound of Tobacco in the writ of Scire facias aforesaid above specified.

Therefore it is considered by the Justices here that the said John Brown and Joseph Brown have their Execution against the said Thomas Whittington and Wife for and all the Sum of five hundred and forty Eight pounds and two fifths of a pound of Tobacco Costs of Suit in the writ of Scire facias aforesaid specified and also the Sum of

724 pounds of Tobacco by the Court here of their Assent to them adjudged for their Costs and Charges by them laid Out and Expended in prosecuting the writ of Scire facias aforesaid.

Test William Slighlth

1755 Nicholas Maccubbin
a.
SB Isaac Johns (Adm^r.) } Ann Arundel County ss. John Gassaway late of Ann Arundel County Gentleman Administrator of all and Singular the Goods and Chattles which were of Isaac Johns deceased who died Intestate and it is said was attached to answer unto Nicholas Maccubbin of a plea of Trespass upon the Case &c. And whereupon the said Nicholas by Edward Dorsey his Attorney Complains that whereas the aforesaid Isaac in his life

time,