aforesaid and he hath it. He prays also an hearing of the Condition of the said Writing Obligatory and it is read to him in the Words following to wit — The Condition of the above Obligation is such that if the above bound Giles Cooke his Heirs Executors and Administrators do and shall well and truly pay or Cause to be paid unto the Said Graham Frank or his Assigns the just Sum of four hundred and Ninety five Pounds thirteen Shillings Current Money of Virginia the one half of which Sum to be paid on or before the twentieth day of December next and the other half on or before the twentieth day of June next then the above Obligation to be Void and of none Effect else to remain in force — which being read and heard the aforesaid Giles Saith that he with the Debt aforesaid by Virtue of the Writing aforesaid ought not to be burthened because he Saith that that Writing is not his Deed and of this he puts himself upon the Country &c. and the aforesaid Graham in like manner &c. And the said Giles by his Attorney aforesaid by leave of the Court according to the form of the Statute in Such Case made and Provided further Comes and defends the force and Injury when &c. and Saith that the aforesaid Graham his Action aforesaid against him to have or maintain Ought not because he saith that the aforesaid Sum of four Hundred and Ninety five pounds thirteen Shillings Current Money of Virginia to the Said Graham according to the form of the Condition of the said Writing Obligatory to wit at the County aforesaid and this he is ready to Verify &c. Wherefore he prays Judgment if the said Graham his Action aforesaid against him the Said Giles to have or Maintain Ought &c. —

Second Plea aforesaid of the aforesaid Giles above Readd the aforesaid Graham Saith that he by any thing in the Same Plea Alledged from having and Maintaining his Action aforesaid against the aforesaid Giles to be precluded Ought not because he Saith that he the Said Giles hath not paid the above said Sum of four Hundred and Ninety five pounds thirteen Shillings Current Money of Virginia to him the said Graham according to the form of the Condition of the Said Writing Obligatory as the aforesaid Giles in the Same Plea hath Alledged and this he prays may be enquired of by the Country and so forth and the Said Giles in like Manner and so forth —

Whereupon for Trying the Issue Command is given to the Sheriff of Kent County that he cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices (appointed)

appointed to take the Assizes in his County if they shall before that time to wit on Monday the Twenty Seventh day of September next to the County Court house in the Said County come Twelve good and Lawfull Men of his Baliwick by whom &c. who neither &c. to Recognize &c. because as well &c. Afterwards the Process Continued between the Parties aforesaid in the Plea aforesaid by the Jury being put thereon in Respite here untill 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 Monday the twenty Seventh day of September next to the County Court house in the Said County shall come —

And now here at this day to wit the Said third Tuesday of October being the Nineteenth day of the Same Month Anno Dom. 1756 Comes again into his Lordships Said Provincial Court here as well the Said Graham Frank by his Attorney aforesaid as the Said Giles Cooke by his Attorney aforesaid but the Sheriff hath not Sent his Writ —

Whereupon for Trying the Issue Command is again given to the Sheriff of Kent County that he Cause to Come before the Justices of the Provincial Court at Annapolis the third Tuesday of May next or before the Justices appointed to take the Assizes in his County if they shall before that Time to wit on Monday the twenty fifth day of April next to the County Court House in the Said County come Twelve good and Lawfull Men of his Bailiwick by whom &c. who neither &c. To Recognize &c. because as well &c.

Afterwards the Process continued between the Parties aforesaid in the Plea aforesaid by the Jury being put thereon in Respite here untill the third Tuesday of May next unless the Justices of his Lordship the Lord Proprietary to take the Assizes in the Said County Assigned on Monday the twenty fifth day of April next to the County Court House in the Said County shall come —

And now here at this day to wit the third Tuesday of May being the Seventeenth day of the Same Month Anno Dom. 1757 Come again into his Lordships Provincial Court here as well the Said Graham Frank by his Attorney aforesaid as the Said Giles Cooke by his Attorney aforesaid But the Sheriff hath not Sent his Writ Thereupon the Said Cause is further Continued until next Court —

At which Said next Court to wit the thirteenth day of September Anno Dom. 1757 Come again as well the Said Graham Frank by his Attorney aforesaid as the Said Giles Cooke by his Attorney aforesaid and the Said Giles Cooke by his Attorney aforesaid Relinquishing the Averment above by him pretended says that he cannot deny the Action aforesaid of the aforesaid Graham Frank as aforesaid against him brought nor but that the Writing aforesaid is the Deed of him Giles Cooke nor but that he owes to the Said Graham Frank the aforesaid Nine hundred and Ninety one Pounds Six Shillings Current Money in Manner and Form as the aforesaid Graham above against him hath Declared —

Therefore it is Considered by the Justices here that the Said Graham Frank recover (against)