aforesaid on his part to be observed performed and fulfilled according to the form and effect of the said Condition to wit: at Charles County aforesaid as the said Defendant in his second plea above hath alleged for plea Nevertheless by way of replication the State saith that the said Richard Coomes deceased was one of the five representatives of Richard Coomes and as such was Entitled to be paid by the Said Leonard Coomes one fifth part of $1251.25 cents the amount specified in the condition of the said writing obligatory to be paid by the said Leonard Coomes to such of the representatives of the said Richard Coomes as may be entitled to receive the same their several proportions, which one fifth part amounting to the sum of $250.25 Nevertheless the said Leonard Coomes though often required, the share aforesaid of the said Richard Coomes or any part thereof has not paid, but the same to pay has hitherto altogether refused and still doth refuse, and this the said State is ready to verify. Wherefore the said State prays Judgment for the debt aforesaid together with damages by occasion of the detention thereof, to the said State to be adjudged and soforth; And thereupon on motion of the said State of Maryland by its Attorney aforesaid it is ruled by the Court here that the said defendant rejoin to the replication of the said State of Maryland in the plea aforesaid, and if he doth not rejoin to the 1st replication judgment will be rendered against him by default. And the said Defendant further defends the wrong and injury when and soforth and prays leave of the Court here to imparle until the third monday of August next to rejoin to the replication aforesaid, in the plea aforesaid and he hath it. The same day is given to the said State of Maryland also. At which mentioned third monday of August being the twenty first day of the same month in the year of our Lord one thousand eight hundred and forty three, until which said day the said Defendant had leave to imparle, and then to rejoin to the replication of the said State of Maryland in the plea aforesaid Comes again into the County Court here as well the Said State of Maryland by its attorney aforesaid as the said Defendant by his Attorney aforesaid, and the said Defendant not Complying with the rule of the Court here on motion of the said State of Maryland by its Attorney aforesaid it is further ruled by the Court here that the said Defendant rejoin to the replication aforesaid in the plea aforesaid and if he doth not judgment will be rendered against him by default, And the said Defendant as before defends the wrong and injury when & soforth and prays further leave of the Court here to imparle until the third monday of March next to rejoin to the replication aforesaid, in the plea aforesaid and to him it is granted the same day is given to the said State of Maryland also.

And now here on this day to wit the said third monday of March being the Eighteenth day of the same month in the year of our Lord one thousand eight hundred and forty four; until which said day the said Defendant had leave to imparle and then to answer to the replication aforesaid in the plea aforesaid, Comes again into the County Court here as well the said State of Maryland as the said Defendant by their attornes aforesaid And the said Richard Gardiner by his Attorney aforesaid saith that he Cannot deny the action aforesaid of the said State of Maryland, nor but that he owes unto the said State of Maryland the aforesaid sum of three thousand Dollars current money in manner and form as the said State of Maryland hath above against him Complained Therefore it is Considered by the Court here that the said State of Maryland

recover against the said Defendant as well the said sum of three thousand dollars its debt aforesaid as the sum of twelve Dollars eighteen and one third cents; for the said States Costs & Charges by it about its suit in that behalf Expended adjudged unto the said State of Maryland by the Court here with its assent, And the said Richard Gardiner in mercy &c.

Memorandum, Judgment was rendered in this action on the 29th day of March Eighteen hundred and forty four for the sum of three thousand dollars penalty and costs of suit, penalty to be released on payment of the sum of three hundred Dollars current money with interest thereon from the twenty second day of December eighteen hundred and forty until paid & costs of suit, stay of Execution twelve months from the rendition of judgment

Test W Mitchell Clerk

In Testimony that the aforegoing is truly copied from the record of proceedings of Charles County Court I hereunto subscribe my name and affix the seal of Charles County Court this Eleventh day of November Anno Domini 1847. (Seal) W Mitchell Clk of Charles County Court

Whereupon it was ordered by the Court here that this cause be for final hearing at the next term of the said Court. Afterwards to wit: on the Eighteenth day of May 1847, the said Complainants prayed the Court to grant leave to amend their said bill of Complaint and to make Sylvester F Gardiner & Mary E Gardiner his wife Defendants to come in, and answer said bill, which said prayr was by the Court here granted, and thereupon the following subpoena issued to wit;

Charles County to wit: The State of Maryland to the sheriff of Charles County Greeting: We Command you that you summon Sylvester F Gardiner and Mary E Gardiner his wife if they shall be found in your bailiwick so that they be and appear before the Judges of the next County Court to be held at Port Tobacco in and for Charles County aforesaid on the third monday in July next to answer the bill of Complaint of Elizabeth Ford Admx of William P Ford and Richard Gardiner against in said Court Exhibited, Hereof fail not at your peril and have you then and there his writ Witness the Honorable Alexander C Magruder Chief Judge of the first Judicial district of Maryland the 15th day of June Anno Domini 1847 Issued the 13th day of July 1847.

W Mitchell Clk.

At which mentioned third Monday of July being the 19th day of the same month in the year of our Lord eighteen hundred and forty seven, and the return day of the said aforegoing subpoena Come again into Court here the said Complainants by their Solicitor aforesaid and the said Josias Clements by his solicitor aforesaid, also appears into Court here, And the said Sheriff to whom the said aforegoing subpoena was in form aforesaid directed makes return thereof to the Court here thus Endorsed to wit: "Served Jos Stewart Shff"

And the said Sylvester F Gardiner & Mary E his wife appear into Court here and tender the following answer to wit: The answer of Sylvester F Gardiner and Mary E his wife to the bill of Complaint filed against them and a certain Josias Clements by Elizabeth Ford Admx of William P Ford and Richard Gardiner these respondents answering