in his life time or to the said William and Robert since his Death or to the said Horatio and Mary since the Death of the said William and Robert hath hitherto altogether refused to pay and the said Patrick still doth refuse to pay the said sum of money to the said Horatio and Mary to their Damage to the Amount of two thousand pounds current money of Maryland and thereupon they bring suit and so forth; and they bring here into Court as well the Letters of Administration granted to the said William, Robert as those granted to the said Mary which testify that Administration in form aforesaid of the goods & chattels rights and credits was duly committed as well to the said William and Robert as to the said Mary after their Death.

Zeb: Hollingsworth. — are the pledges to prosecute { John Doe and Richard Roe.

Copy of the Bond.

Know all Men by these presents, that we Walter Smith, John Murdock and Patrick Sim Smith all of the State of Maryland, are held and firmly bound unto the Reverend Bartholomew Booth of the State aforesaid, in the full and just sum of one thousand and eight pounds, eight shillings and five pence current Money of Maryland rating half Johanna's at three pounds and Spanish Milled Dollars at seven shillings and six pence each, to be paid to the said Bartholomew Booth his certain Attorney executors, administrators or assigns. To the which payment well and truly to be made and done, we bind ourselves our heirs executors and Administrators, for and in the whole, jointly and severally firmly by these presents sealed with our seals and dated this twentieth day of September in the year of our Lord one thousand seven hundred and eighty three.

The Condition of the above Obligation is such that if the above bound Walter Smith do and shall well and truly pay or cause to be paid unto the said Bartholomew Booth his certain Attorney executors administrators or assigns the just and full sum of five hundred and four pounds four shillings and two pence half penny current money aforesaid, at or upon the twentieth day of September in the year of our Lord one thousand seven hundred and eighty four, with legal Interest for the same, then the above obligation to be void, else to remain in full force and Virtue in law.

Walter Smith — (Seal)
John Murdock — (Seal)
Pat. Sim Smith — (Seal)

Signed Sealed and Delivered in the presence of
Daniel Reintzel, John Orme.

A copy of which aforegoing Declaration and oyer was made and sent with the writ which issued in the plea aforesaid.

And now here at this day to wit the second tuesday of May being the thirteenth day of the same month Anno Domini seventeen hundred and eighty eight come the aforesaid Horatio Gates and Mary his wife Administratrix as aforesaid by their Attorney aforesaid. And the Sheriff of Frederick County to whom the same writ was made and directed likewise comes and makes return thereof to the Court here the sendord tenet

Cepi, Copies Nar & Oyer left 22d. day of March 1788. Thos. Beatty Shff

And the said Sheriff being solemnly called to bring into Court here the body of the said Patrick Sim Smith according to the return of the writ aforesaid brings him not in but makes default. Whereupon it is adjudged that the said Sheriff be amerced the Debt and Costs unless he had the body of the said Patrick Sim Smith here next Court.

At.

At which said next Court to wit the fourteenth day of October Anno Domini seventeen hundred and eighty eight come the aforesaid Horatio Gates and Mary his wife Administratrix aforesaid by their Attorney aforesaid, and the said Sheriff being called upon to bring into Court here the body of the said Patrick Sim Smith according to the return of the writ aforesaid brings him in, Thereupon it is ordered that the Amercement aforesaid be struck out.

And the said Patrick Sim Smith by Gabriel Duvall, his Attorney as aforesaid comes and defends the force and injury when and so forth. And saith that the said Horatio Gates and Mary his wife administratrix as aforesaid their Action aforesaid against him to have or maintain ought not &c because he says that he the said Patrick Sim Smith did pay unto the said Bartholomew Booth in his life time the said sum of Money in the Condition of the said writing obligatory mentioned with legal Interest thereon according to the form and effect of the Condition of the said writing obligatory and this he is ready to verify wherefore he prays Judgment if the said Horatio Gates and Mary his wife Administratrix as aforesaid their Action aforesaid against him to have or maintain ought &c.

And the said Horatio Gates and Mary his wife Administratrix as aforesaid say that they by anything by the aforesaid Patrick Sim Smith above in pleading alledged from having or maintaining their Action aforesaid against him the said Patrick Sim Smith ought not to be precluded because they say that he the said Patrick Sim Smith did not pay unto the said Bartholomew Booth in his life time or to them the said Horatio Gates and Mary his wife Administratrix as aforesaid since his decease the said sum of money in the Condition of the said writing obligatory mentioned with legal Interest thereon according to the form and effect of the Condition of the said writing obligatory in manner and form aforesaid so as the aforesaid Patrick Sim Smith above hath alledged and this they pray may be enquired of by the Country and the aforesaid Patrick Sim Smith in like Manner &c.

Whereupon this cause standing ready for Trial Command is given to the Sheriff of Ann arundel County that he cause to come before the Judges of our General Court here on the second tuesday of May next twelve &c by whom &c and who neither &c to recognize &c because as well &c the same day is given to the said parties then and there &c

At which said second tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and eighty nine come again as well the said Horatio Gates and Mary his wife Administratrix as aforesaid by their Attorney aforesaid, as the said Patrick Sim Smith by his Attorney aforesaid.

Nevertheless the aforesaid Patrick Sim Smith by his Attorney aforesaid relinquishing the averment above by him pretended says that he cannot deny the Action aforesaid of the aforesaid Horatio Gates and Mary his wife Administratrix as aforesaid so as aforesaid against him brought nor but that he owes to them the aforesaid sum of one thousand and eight pounds eight shillings and five pence current money of Maryland in manner and form aforesaid so as the aforesaid Horatio Gates and Mary his wife Administratrix as aforesaid above against him have declared,

Therefore it is considered by the Judges here that the said Horatio Gates and Mary his wife Administratrix as aforesaid recover against the said Patrick Sim Smith as well the sum of one thousand and eight pounds eight shillings and five pence

current