next Court and he hath it and the same day is given to the Plaintiff also.

At which said next Court to wit the eighth day of May Anno Domini seventeen hundred and eighty seven comes again as well the said Nicholas Maccubbin by his Attorney aforesaid as the said Normand Bruce by his Attorney aforesaid.

And the said Normand Bruce by his Attorney aforesaid as before defends the force and injury when and so forth and saith that the aforesaid Nicholas Maccubbin Execution against him the said Normand Bruce of the debt costs and charges aforesaid to have ought not because he saith that there is no such Record of the Judgment and recovery aforesaid in the said General Court now here remaining as by the said writ of scire facias above is supposed wherefore he prays Judgment if the said Nicholas Maccubbin Execution against him of the debt costs and charges aforesaid to have ought and so forth.

And the said Normand Bruce with the leave of the Court here according to the form of the Statute comes and further saith that the aforesaid Nicholas Maccubbin Execution against him the said Normand Bruce of the debt costs and charges to have ought not because he saith that after the time of rendering the Judgment aforesaid and before the day of the impetration and suing out of the said writ of scire facias he the said Normand Bruce paid to the aforesaid Nicholas Maccubbin the aforesaid sums of money and Tobacco in the said writ of scire facias mentioned in full satisfaction and discharge of the said Judgment which the said Nicholas Maccubbin then accepted in full satisfaction and discharge of the same Judgment and this he is ready to verify wherefore he prays Judgment if the aforesaid Nicholas Maccubbin execution against him of the debt costs and charges aforesaid to have ought and so forth.

And the said Normand Bruce by his said Attorney comes here into Court and suggests to the said Court the death of the said Nicholas Maccubbin, Whereupon this cause is continued until next Court according to the Act of Assembly in such cases made and provided &c.

At which said next Court to wit the ninth day of October Anno Domini seventeen hundred and eighty seven comes again the aforesaid Normand Bruce by his Attorney aforesaid, and for that the representatives of the said Nicholas Maccubbin deceased as aforesaid have not appeared, Thereupon this cause is further continued until next Court according to the Act of Assembly in such cases made and provided &c.

At which said next Court to wit the thirteenth day of May Anno Domini seventeen hundred and eighty eight comes here into Court the aforesaid Normand Bruce by his Attorney aforesaid, and a certain John Henry Maccubbin and James Carroll Executors of the testament and last will of the aforementioned Nicholas Maccubbin, likewise comes here into Court by Thomas Jennings their Attorney & appear to prosecute in the plea aforesaid

And the said John Henry Maccubbin and James Carroll Executors as aforesaid say that they by any thing by the said Normand Bruce in his first plea above alledged from having their Execution against the said Normand Bruce for the debt costs and charges to be precluded ought not because they say that there is such a Record of the Judgment aforesaid and recovery of the debt costs and charges as the said Nicholas Maccubbin by the writ of scire facias aforesaid above doth suppose as appears of Record in the aforesaid term in the General Court at the City of Annapolis and pray that the Records of that term may be inspected by the Court and so forth.

And

And the said John Henry Maccubbin and James Carroll Executors aforesaid further say that they by any thing by the said Normand Bruce in his second plea above alledged from having their execution thereof against the said Normand Bruce to be precluded ought not because they say that the said Normand Bruce did not pay unto the said Nicholas Maccubbin in his life time the aforesaid sums of money and Tobacco in the scire facias aforesaid mentioned or either of them in manner and form as the aforesaid Normand Bruce by his second plea above doth allledge and this they pray may be enquired of by the Country, And the aforesaid Normand Bruce in like manner &c.

Whereupon this cause standing ready for trial command is given to the Sheriff of Anne Arundel County that he cause to come before the Judges of our General Court here on the second tuesday of October 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 October being the fourteenth day of the same month Anno Domini seventeen hundred and eighty eight comes the aforesaid Normand Bruce by his Attorney aforesaid, and for that the said John Henry Maccubbin and James Carroll Executors aforesaid do not appear and prosecute the suit aforesaid, Thereupon it is ordered by the Court here that this cause be entered Struck off.

And now here at this day to wit the second tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and eighty nine comes into Court here the said John Henry Maccubbin and James Carroll Executors aforesaid by Samuel Johnston their Attorney, and the said Normand Bruce by Richard Potts his said Attorney likewise comes here into our said Court, and the said John Henry Maccubbin and James Carroll Executors aforesaid by their Attorney aforesaid offer themselves ready to prosecute their suit aforesaid.

Whereupon at the prayer of the said John Henry Maccubbin and James Carroll Executors aforesaid by Samuel Johnston their Attorney with the consent of the said Normand Bruce and his Attorney, It is ordered by the Court here that this cause be reinstated.

Nevertheless the said Normand Bruce by his Attorney aforesaid relinquishing the averments above by him pretended says that he cannot deny the Action aforesaid of the aforesaid Nicholas Maccubbin so as aforesaid against him brought nor but that there is Record of such recovery aforesaid nor but that the said John Henry Maccubbin and James Carroll Executors aforesaid ought to have their execution against him the said Normand Bruce for the debt costs and charges above specified, And because the said Normand Bruce doth not deny but the allegations aforesaid are true he prays Judgment for execution for the debt costs and charges aforesaid.

Therefore it is considered by the Judges here that the said John Henry Maccubbin and James Carroll Executors aforesaid have their execution against the said Normand Bruce for as well the aforesaid sums of three hundred and seventy one pounds four shillings Sterling money of Great Britain the debt aforesaid as the sum of five hundred and fifty six pounds of Tobacco costs of suit and also the sum of five hundred and ninety nine pounds of Tobacco Additional costs of suit thereon in the writ of scire facias aforesaid specified as also the sum of six hundred and twenty one pounds and four fifths pound of Tobacco by the Court here unto the said John Henry Maccubbin and James Carroll Executors aforesaid on their Agents Adjudged for their costs and damages sustained by delay of Execution of the Judgment aforesaid &c.

Memorandum, payments if any to be allowed, and the Plaintiffs agree to stay execution until the first day of January next. Test. John Irwin Clk.

23/2 Cd.