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 their action aforesaid against him to have or maintain ought &c.

And the said Horatio Gates and Mary his wife Administratrix aforesaid say that they by any thing by the said Walter Smith above in pleading alledged from having or maintaining their Action aforesaid against him ought not to be precluded because they say that the aforesaid Walter Smith did not pay unto the said Bartholomew Booth in his life time the said sum of Money in the Condition aforesaid mentioned with the interest thereon in such manner and form as the said Walter Smith above by pleading hath alledged and of this they pray may be enquired of by the Country, and the aforesaid Walter 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 aforesaid by their Attorney aforesaid as the said Walter Smith by his Attorney aforesaid.

Nevertheless the aforesaid Walter 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 now but that he owes unto the said Horatio Gates and Mary his wife Administratrix aforesaid the aforesaid sum of one thousand and eight pounds eight shillings and five pence current money in such manner and form as the aforesaid Horatio Gates and Mary his wife Administratrix aforesaid above against him have declard.

Therefore it is considered by the Judges here that the said Horatio Gates and Mary his wife Administratrix aforesaid recover against the said Walter Smith as well the sum of one thousand and eight pounds eight shillings and five pence current money their debt aforesaid in manner and form aforesaid confessed as also the sum of six hundred and fifty six pounds and one fifth of a pound of Tobacco by the Court here unto the said Horatio Gates and Mary his wife Administratrix aforesaid on their Apeal Adjudged as well for their damages sustained by occasion of the detention of that debt as for their Costs and Charges by them about their suit in this behalf laid out and expended and the said Defendant in Mercy &c.

Memorandum, The Plaintiffs release the penalty upon payment of the principal Interest and Costs of suit and agree to stay Execution untill the first day of August next, payments if any to be allowed.

Test.

John Gwinn Clk.

25/2.
Ed

Horatio Gates and Uxor Administratrix de bonis non of Bartholomew Booth.
against
John Murdock.

Be it remembered that heretofore to wit, on the eighth day of March Anno Domini seventeen hundred and eighty eight the Plaintiffs by Zebulon Hollingsworth their Attorney sued out of our General Court here the State of Marylands writ of Capias Ad respondendum directed to the Sheriff of Montgomery County in the word, figures following to wit

The State of Maryland &c. To the Sheriff of Montgomery County Greeting, We command you that you take John Murdock late of the said County Gentleman otherwise called John Murdock of the State of Maryland if he shall be found in your bailiwick and him safe keep so that you have his body before the Judges of our General Court to be held at the City of Annapolis on the second tuesday of May next to Answer Horatio Gates and Mary his wife Administratrix (with the will and Testament of Bartholomew Booth lately deceased annexed &c) of all and singular the goods, chattels, rights and credits which belonged to the said Bartholomew lately deceased unadministered by William Booth and Robert Booth also deceased late Administrators with the will and Testament of the said Bartholomew Annexed of the goods and chattels rights and credits which were of the said Bartholomew at the time of his death of a plea that he render unto them the said Horatio and Mary the sum of one thousand and eight pounds eight shillings and five pence current money of Maryland which from them unjustly he detains and so forth, here of fail not at your peril and have you then and there this writ Witness Robert Hanson Harrison Esquire Chief Judge of our said Court the 19th day of November Anno Domini 1787.

Thos. B. Hodgkin Clk.

Issued the 8th day of March 1788. Zeb: Hollingsworth.

And the aforesaid Horatio Gates and Mary his wife Administratrix aforesaid by Zebulon Hollingsworth their Attorney aforesaid declard against the aforesaid John Murdock in the plea aforesaid as follows to wit

Western Shore of the State of Maryland, Frederick County &c. John Murdock late of the said County Gentleman otherwise called John Murdock of the State of Maryland was summoned to Answer Horatio Gates and Mary Gates his wife Administratrix (with the will and Testament of Bartholomew Booth lately deceased annexed) of all and singular the goods, chattels, rights and credits which belonged to the said Bartholomew lately deceased unadministered by William Booth and Robert Booth also deceased late Administrators with the will and Testament of the said Bartholomew annexed of the goods and chattels, rights and credits which were of the said Bartholomew at the time of his death of a plea that he render unto them the said Horatio and Mary the sum of one thousand and eight hundred & eighty shillings and five pence current money of Maryland which from them unjustly he detains and so forth.

Whereupon the said Horatio and Mary by Zebulon Hollingsworth their Attorney complain that the said John Murdock in the year of our Lord one thousand seven hundred and eighty three and on the twentieth day of September in the said year at the County aforesaid by his certain writing obligatory sealed with the seal of the said John Murdock and to the Court here shewn whatsoever on the day and year aforesaid acknowledged himself to be held and firmly bound unto the said Bartholomew in his life time in the said sum of one thousand and eight pounds eight shillings and five

pence