And the said Brian Philpot by his attorney aforesaid, defends the force and injury when and soforth, and prays leave of the Court to imparle hereunto until next Court, and he hath it, and the same day is given to the said Charles Carroll also. —

At which said next Court towit, the second tuesday of May being the thirteenth day of the same month Anno Domini one thousand seven hundred and eighty eight, come again here into our General Court, as well the said Charles Carroll assignee as aforesaid by his attorney aforesaid as the said Brian Philpot by his attorney aforesaid. — And the said Brian Philpot by his attorney aforesaid as before defends the force and injury when and soforth, and prays further leave of the Court to imparle hereunto until next Court, and he hath it, and the same day is given to the said Charles Carroll also.

At which said next Court towit, the second tuesday of October being the fourteenth day of the same month Anno Domini one thousand seven hundred and eighty eight, come again here into our General Court, as well the said Charles Carroll assignee as aforesaid by his attorney aforesaid, as the said Brian Philpot by his attorney aforesaid. — And the said Brian Philpot by his attorney aforesaid, as before defends the force and injury when and soforth, — And saith, that the Charles Carroll assignee as aforesaid his action aforesaid thereof against him to have and maintain ought not because he saith, that he the said Brian Philpot did pay unto the said Charles Carroll assignee as aforesaid the sum of money in the condition of the writing obligatory mentioned with legal interest thereon according to the form and effect of the said condition of the writing obligatory, and this he is ready to verify, wherefore he prays Judgment, if the said Charles Carroll assignee as aforesaid his action aforesaid against him, to have and maintain, ought soforth.

And the said Charles Carroll assignee as aforesaid saith, that he, by any thing by the said Brian Philpot above in pleading alledged from having and maintaining his action aforesaid against him ought not to be precluded, because he saith, that the said Brian Philpot hath not paid unto him the said Charles Carroll assignee as aforesaid the said sum of money in the condition of the writing obligatory aforesaid mentioned, with the interest thereon in such manner and form, as the said Brian Philpot above in pleading hath alledged, and of this he prays may be enquired fly the country, and the said Brian Philpot in like manner and soforth. —

Therefore let a Jury thereupon appear before the Judges of our General Court here on the second tuesday of May next by whom and soforth, and who neither and saith, to recognize and soforth, because as well and soforth, the same day is given to the said parties then and there and soforth. —

And now here at this day Court, the said second tuesday of May being the twelfth day of the same month Anno Domini one thousand seven hundred and eighty nine, come again here into our General Court as well the said Charles Carroll assignee as aforesaid by his attorney aforesaid, as the said Brian Philpot by his attorney aforesaid. — Nevertheless the said Brian Philpot by his attorney aforesaid, relinquishing the averment above by him pretended, and saith, that he cannot deny the action aforesaid of the said Charles Carroll assignee as aforesaid so as aforesaid against him brought, nor but that he owes to the said Charles Carroll assignee as aforesaid the sum of three hundred & ninety eight pounds six shillings currentmoney aforesaid, in manner and form aforesaid, so as the said Charles Carroll assignee as aforesaid above against him hath declared. —

(Therefore

Therefore it is considered by the Judges here, that the said Charles Carroll assignee as aforesaid recover against the said Brian Philpot as well the sum of three hundred and ninety eight pounds six shillings currentmoney his debt aforesaid in form aforesaid confessed as also the quantity of seven hundred and eighty three pounds of tobacco by the Court here unto the said Charles Carroll assignee as aforesaid on his agent adjudged, as well for his damages sustained by reason of the detention of that debt, as for his costs and charges by him about his suit in this behalf laid out and expended, And the said Brian Philpot in mercy and soforth.

Memorandum, Judgment was rendered in this cause on the twenty fifth day of May Anno Domini one thousand seven hundred and eighty nine, for penalty to be released on the payment of the principal, interest and costs, payments if any to be allowed. The Plaintiff agrees to stay execution until the first day of August next.

Test

John Irvin Clk.

Charles Carroll assignee of Daniel Carroll. — against Brian Philpot. —

Be it remembered that heretofore towit on the thirty first day of August Anno Domini one thousand seven hundred and eighty seven, Charles Carroll assignee of Daniel Carroll by William Cooke his attorney sued out of our General Court here the State of Maryland's writ of Capias ad respondendum directed to the Sheriff of Baltimore county in the words and figures following towit. —

The State of Maryland ss. To the Sheriff of Baltimore county Greeting. We command you that you take Brian Philpot late of Baltimore county gentleman otherwise called Brian Philpot of Baltimore town, 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 October next, to answer unto Charles Carroll of Carrollton assignee (according to the form of the act of Assembly in such case made and provided) of Daniel Carroll of a plea that he render unto the said Charles Carroll the just sum of one thousand nine hundred and sixty pounds eleven shillings currentmoney which to him the said Charles Carroll he owes and unjustly detains and soforth. Here of fail not at your peril, and have you then and there this writ. Witness the Robert Hanson Harrison Esquire, chief Judge of our said Court, the 25th day of May Anno Domini 1787.

Issued the 31st day of August 1787. (W. Cooke) (Thos. B. Hodgkin Clk.

And the said Charles Carroll assignee as aforesaid, by his attorney aforesaid declares against the said Brian Philpot in the plea aforesaid as follows towit. —

Western Shore. State of Maryland and Baltimore county towit. Brian Philpot late of Baltimore county gentleman otherwise called Brian Philpot of Baltimore town was summoned to answer unto Charles Carroll of Carrollton assignee (according to the form of the act of Assembly in such case made and provided) of Daniel Carroll of a plea that he render unto the said Charles Carroll the sum of one thousand nine hundred and sixty pounds eleven shillings currentmoney which to him the said Charles Carroll he owes and unjustly detains and soforth. And whereupon the said Charles Carroll by William Cooke his attorney

saith