the form of the Act of Assembly in such cases lately made and provided; as also the quantity of nine hundred and thirty one pounds of tobacco by the Court here unto the said Richard Shew assignee as aforesaid on his assent adjudged as well for his damages sustained by occasion of the detention of that debt as for his costs and charges by him about his suit in this behalf laid out and expended, to be levied of the goods and chattels which were of the said Seaborn Birkhead at the time of his death in the hands of the said Nehemiah Birkhead executor as aforesaid remaining to be administered if so much thereof he hath and soforth, and if so much thereof in his hands he hath not and soforth, then the costs of suit aforesaid to be levied of the proper goods and chattels of the said Nehemiah Birkhead and the said Nehemiah Birkhead executor as aforesaid in mercy and soforth.

Memorandum. Judgment was rendered in this cause on the twenty sixth day of May Anno Domini one thousand seven hundred and eighty nine.

Test. John Gwinn Clk.

Thomas Cradock Exor of Abraham Risteau. against Edward Burgess.

Be it remembered that heretofore towit on the twentieth day of August Anno Domini one thousand seven hundred and eighty seven Thomas Cradock executor of Abraham Risteau by Aquila Hall his 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 words and figures following towit

The State of Maryland Sc. To the sheriff of Montgomery county Greeting, We command you that you take Edward Burgess late of Montgomery county gentleman, 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 Thomas Cradock executor of the last will and testament of Abraham Risteau late of Baltimore county deceased of a plea that he render unto him three hundred and seventeen pounds twelve shillings and three pence current money which to him he owes and unjustly detains and soforth, Hereof 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 25th day of May Anno Domini 1787.

Issued the 20th day of August 1787. A. Hall, Thos. B. Hodgkin Clk.

And the said Thomas Cradock executor as aforesaid by his attorney aforesaid declares against the said Edward Burgess in the plea aforesaid as follows towit

State of Maryland, Montgomery county towit, Edward Burgess late of Montgomery county gentleman was summoned to answer unto Thomas Cradock executor of the last will and testament of Abraham Risteau late of Baltimore county deceased of a plea that he render unto him three hundred and seventeen pounds twelve shillings and three pence current money which to him he owes and unjustly detains and soforth. — And whereupon the said Thomas Cradock by Aquila Hall his attorney complains that whereas the said Edward on the thirtieth day of December seventeen hundred and eighty at Montgomery county aforesaid by his certain

certain bill obligatory promised to pay or cause to be paid unto the said Abraham Risteau in his life time his heirs or assigns the full and just sum of three hundred and seventeen pounds twelve shillings and three pence in half joes at three pounds or spanish mill'd dollars at seven shillings and six pence when he should be thereunto afterwards requested by the said Abraham. Nevertheless the said Edward altho' thereto required by the said Abraham in his life time and by the said Thomas since the death of the said Abraham hath not paid the said sum of three hundred and seventeen pounds twelve shillings and three pence to the said Abraham in his life time or to the said Thomas since the death of the said Abraham wherefore he saith he is injured and hath damage to the value of five hundred pounds current money and therefore he brings suit and soforth, And the said Thomas brings here into Court the letters testamentary of him the said Abraham whereby it sufficiently appears that he is duly authorized by the Orphans Court of Baltimore county to have the administration of the estate of the said Abraham and soforth.

Aquila Hall for the Pltff. Pledges and soforth. { John Doe and Richard Roe.

Oyer of the writing obligatory in the Declaration aforesaid mentioned, follows towit

I promise to pay or cause to be paid unto Abraham Risteau his heirs or assigns the full and just sum of three hundred and seventeen pounds twelve shillings & three pence payable in half joes at three pounds or spanish mill'd dollars at seven shillings & six pence with legal interest for the same from the date hereof for value received as Witness my hand & seal this 30th day December 1780.

Elizabeth Burgess. Edw. Burgess. (Seal)

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

At which said second tuesday of October towit, the ninth day of the same month being the day of the return of the aforegoing writ, Anno Domini one thousand seven hundred and eighty seven, comes here into our General Court the said Thomas Cradock executor as aforesaid by his attorney aforesaid and the sheriff of Montgomery county to whom the same writ was made and directed likewise comes and makes return thereof to the Court here thus endorsed towit

Cepi, copy left 5th September. Wm. Robertson Sheriff

And the said Edward Burgess being called upon appears, and at the prayer of the said Thomas Cradock executor as aforesaid by his attorney aforesaid, the said Edward Burgess is adjudged to give special bail to the action aforesaid. Whereupon the said Edward Burgess by Richard Ridgely his attorney files in Court here the following Bail piece towit

Thomas Cradock Exor. of Abraham Risteau. Plaintiff against Edward Burgess. Defendant

You William Holmes do acknowledge yourself special Bail for the said Edward Burgess at the suit of the said Thomas Cradock executor of Abraham Risteau in an action of Debt brought by the said Thomas Cradock executor of Abraham Risteau against the said Edward Burgess in the General Court he acknowledged himself to be content therewith the 2nd day of October 1787. Before Richd. Wootton, Joseph Wilson. —

To