above obligation is such that if the above bound George Digges do and shall well and truly pay or cause to be paid, unto the said Daniel Dulany his certain attorney executors — administrators or assigns the just and full sum of five hundred & twenty six pounds ten shillings & nine pence sterling money at or upon the day next ensuing the date hereof, with legal interest for the same; then the above obligation to be void, else to remain in full force and virtue in law.

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

At which said second tuesday of May to wit, the thirteenth day of the same month Anno Domini one thousand seven hundred and eighty eight, being the day of the return of the aforegoing writ, comes here into our General Court, the said Daniel Dulany by his attorney aforesaid, and the sheriff of Prince Georges county to whom the same writ was made and directed, likewise comes and makes return thereof to the Court here thus endorsed to wit

Cepi. Copy left the 26th March 1788. N. Blacklock, Sheriff

And the said sheriff although solemnly called to bring into Court the body of the said George Digges 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 bears the body of the said George Digges here next Court

At which said next Court to wit, the second tuesday of October being the fourteenth day of the same month Anno Domini one thousand seven hundred and eighty eight comes again here into our General Court, the said Daniel Dulany by his attorney aforesaid and the said sheriff being called upon to bring into Court the body of the said George Digges according to the return of the writ aforesaid brings him in, Therefore it is ordered, that the amercement aforesaid be stricken out. And the said George Digges by William Hammond Dorsey his attorney, defends the force and injury when and so forth and saith, that the said Daniel Dulany his action aforesaid thereof against him to have and maintain ought not, because he saith, that he the said George Digges did pay unto the said Daniel Dulany the sum of money in the Condition of the writing obligatory aforesaid 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 Daniel Dulany his action aforesaid against him to have and maintain, ought and so forth.

And the said Daniel Dulany saith, that he, by anything by the said George Digges above in pleading alledged from having and maintaining his action aforesaid against him ought not to be precluded, because he saith, that the said George Digges hath not paid unto him the said Daniel Dulany 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 George Digges above in pleading hath alledged and of this he prays may be enquired of by the Country, and the said George Digges in like manner and so forth. —

Therefore let a Jury thereon come, before the Judges of our General Court here, on the second tuesday of May next, by whom and so forth, and who neither and so forth, to recognize & so forth because as well and so forth, the same day is given to the said parties, then and there and so forth.

And

And now here, on this day to wit, the said second tuesday of May, being the twelfth day of the same month Anno Domini one thousand seven hundred and eighty nine, comes again here into our General Court, as well the said Daniel Dulany by his attorney aforesaid as the said George Digges by his attorney aforesaid. — Nevertheless the said George Digges by his attorney aforesaid, relinquishing the averment above by him pretended, and saith that he cannot deny the action aforesaid of the said Daniel Dulany so as aforesaid against him brought, nor but that he owes to the said Daniel Dulany the sum of one thousand seven hundred and fifty five pounds, two shillings and six pence current money aforesaid in manner and form aforesaid, so as the said Daniel Dulany above against him hath declared. — Therefore it is considered by the Judges of the Court here, that the said Daniel Dulany do recover against the said George Digges as well the sum of one thousand seven hundred and fifty five pounds, two shillings and six pence current money his debt aforesaid in form aforesaid confessed, as also the quantity of six hundred and nineteen pounds and three fifths of a pound of tobacco by the Court here, unto the said Daniel Dulany on his agreement 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 George Digges in mercy and so forth.

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

Test

John Irwinn Clk

Daniel Dulany
John Ridout and
Daniel of Saint
Thomas Jenifer use of
Elizabeth Lowndes.
against.
Philip Hall adm^r. of
Alexander Frazier.

Be it remembered that heretofore to wit on the third day of March Anno Domini one thousand seven hundred and eighty seven, Daniel Dulany, John Ridout and Daniel of Saint Thomas Jenifer by Jeremiah Townley Chase their 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 to wit

The State of Maryland ss. To the sheriff of Baltimore county Greeting. We command you that you take Philip Hall late of Baltimore county administrator of all and singular the goods and chattels rights and credits of Alexander Frazier late of same county deceased who died intestate as it is said, 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 unto Daniel Dulany, John Ridout and Daniel of Saint Thomas Jenifer of a plea that he render unto them four hundred and forty pounds sterling of the value of seven hundred and thirty three pounds six shillings and eight pence current money of Maryland which from them he unjustly detains and so forth. — Hereof fail not at your peril, and have you then and there this writ, Witness Robert Hanson Harrison Esquire chief Judge

of