aforesaid in the plea aforesaid, according to the directions of the act of Assembly in such cases lately made and provided, if to them it shall seem meet: 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.

Issued the 22d day of January 1788. Thos. B. Hodgkin Clk

At which said second tuesday in May court, the thirteenth day of the same month in the year of our Lord one thousand seven hundred and eighty eight, being the day of the return of the aforegoing summons, comes again into our General Court here the said Catharine Heppel executrix as aforesaid by her attorney aforesaid, and the sheriff of Baltimore county, to whom the said summons was directed, likewise come and make return thereof to the Court here, thus endorsed court,

Summoned, P. Graybill sheriff.

And the said Charles Myers, Margaret Myers, and Thomas Yates executors as aforesaid, by David McMechen their attorney come and defend the force and injury when &c. and pray leave of the Court here, to imparle, until the second tuesday in October next, and to him it is granted; and the same day is given to the said Catharine Heppell executrix as aforesaids also.

At which said second tuesday in October court, the fourteenth day of the same month, in the year of our Lord one thousand seven hundred and eighty eight, come again into our General Court here, as well the said Catharine Heppell executrix as aforesaid, by her attorney aforesaid, as the said Charles Myers, Margaret Myers and Thomas Yates executors as aforesaid by their attorney aforesaid; And the said Charles Myers, Margaret Myers, and Thomas Yates executors as aforesaid by their attorney aforesaid, as before, defend the force and injury when &c. and pray ~~leave~~ of the writing obligatory aforesaid, and the condition thereof, and it is read to them, which being read and heard the said Charles Myers, Margaret Myers, and Thomas Yates say that the said Catharine Heppler executrix as aforesaid her action thereof against them to have and maintain ought not, because they say, that the said Jacob Myers in his life times paid to the said Catharine Heppel executrix as aforesaid the said sum of money in the condition of the said writing obligatory mentioned which he ought to have paid according to the form and effect of the condition court, at Baltimore county aforesaid. And this they are ready to verify &c.

And the said Charles Myers, Margaret Myers and Thomas Yates further defend the force and injury when &c. and saith, that the said Catharine Heppel executrix as aforesaid her action aforesaid thereof against them the said Charles Myers, Margaret Myers, and Thomas to have and maintain ought not because they say, that they have fully administered all and singular the goods and chattels which were of the said Jacob Myers at the time of his death in their hands to be administered; and that they have not, nor on the day of the issuing of the summons aforesaid in this cause, nor at any time since had any goods or chattels which were of the said Jacob Myers at the time of his death in their hands to be administered, whereby the said Charles Myers

Margaret

Margaret Myers and Thomas Yates, the claims of the said Catharine Heppel executrix as aforesaid, or any part thereof to the said Catharine Heppel executrix as aforesaid could pay or satisfy; and this they are ready to verify. wherefore they pray Judgment whether the said Catharine Heppel executrix as aforesaid her action aforesaid thereof against them to have and maintain ought &c.

And the said Catharine Heppell executrix as aforesaid, saith, that she by any thing by the said Charles Myers, Margaret Myers, and Thomas Yates in their first plea above alleged from having and maintaining her action aforesaid, ought not to be precluded because she saith, that the said Jacob Myers did not pay to her the said Catharine Heppel executrix as aforesaid the said sum of money, in his life time, in the condition of the said writing obligatory aforesaid mentioned, which he ought to have paid according to the form of the said condition, as the said Charles Myers, Margaret Myers and Thomas Yates above against her by pleading alleged; and of this she prays may be inquired by the country: and the said Charles Myers, Margaret Myers and Thomas Yates executors as aforesaid in like manner &c.

And the said Catharine Heppell executrix as aforesaid, saith, that she by any thing by the said Charles Myers, Margaret Myers, and Thomas Yates in their second plea above alleged from having and maintaining her action aforesaid, ought not to be precluded, because she saith, that the said Charles Myers, Margaret Myers and Thomas Yates on the day of the issuing the summons aforesaid in this cause, had divers goods and chattels, which were of the said Jacob Myers at the time of his death in their hands to be administered, sufficient to pay and satisfy the demand of the said Catharine Heppell executrix as aforesaid, to wit, at the county aforesaid; and of this she prays may be inquired by the country &c. And the said Charles Myers, Margaret Myers and Thomas Yates in like manner &c. Therefore let a Jury thereon come before the Court here, on the second tuesday in May next, by whom, and who neither &c. to recognize &c. because as well &c. the same day is given to the said parties then and there &c.

And now here, on this day court, the said second tuesday in May, being the twelfth day of the same month in the year of our Lord one thousand seven hundred and eighty nine, come again into our General Court here, as well the said Catharine Heppell executrix as aforesaid by her attorney aforesaid, as the said Charles Myers, Margaret Myers and Thomas Yates by their attorney aforesaid. And the said Charles Myers, Margaret Myers and Thomas Yates executors aforesaid by their attorney aforesaid, relinquishing the averment aforesaid, by them above in pleading alleged, saith that they cannot deny the action aforesaid, of the said Catharine Heppel executrix as aforesaid, so as aforesaid against them brought, nor but that they on the day of issuing the original writ aforesaid, of the said Catharine Heppel executrix as aforesaid had divers goods and chattels, which were of the said Jacob Myers at the time of his death in their hands to be administered, to the value of the debt aforesaid, wherewith he might have satisfied the said Catharine Heppell executrix as aforesaid for that debt, as the said Catharine Heppell executrix as aforesaid, alleged: Therefore it is considered by the Judges of the Court here, that the said Catharine Heppell executrix as aforesaid recover

against