And the aforesaid Henry Ayton by his Attorney aforesaid defends the force and injury when and so forth and prays an hearing of the Bill Obligatory aforesaid and he hath it as follows to wit Having this day finally settled with Alexander and Hezekiah Claggett for all dealings with them on their joint Account prior to this date I find myself justly indebted to them in the just and full sum of Sixty two pounds nine shillings and six pence half penny which I promise and oblige myself my heirs Ex.rs and Administrators to pay or cause to be paid unto the said Alex.r and Hezekiah Claggett or to their heirs or assigns with legal Interest for the same it being for value received of them — Witness my hand and Seal this 3.d day of February 1787.

Henry Ayton (Seal)

Witness Benjamin Claggett.

And the said Henry Ayton by Baker Johnson his Attorney defends the force and injury when and so forth and prays leave to imparle here until next Court and he hath it and the same day is given to the Plaintiffs also.

At which said next Court to wit the twelfth day of May Anno Domini seventeen hundred and eighty nine comes again as well the said Alexander Claggett and Hezekiah Claggett by their Attorney aforesaid as the said Henry Ayton by his Attorney aforesaid And the said Henry Ayton by his Attorney aforesaid as before defends the force and injury when and so forth and saith that the said Alexander Claggett and Hezekiah Claggett their Action against him to have or maintain ought not &c. because he saith that he the said Henry Ayton did pay unto the said Alexander Claggett and Hezekiah Claggett the said sum of Money in the Bill Obligatory mentioned with legal Interest thereon according to the form and effect of the said Bill Obligatory and this he is ready to verify Wherefore he prays Judgment if the said Alexander Claggett and Hezekiah Claggett their Action aforesaid against him to have or maintain ought &c.

And the said Alexander Claggett and Hezekiah Claggett saith that they by any thing by the said Henry Ayton above in pleading alledged from having or maintaining their action aforesaid

against

against him ought not to be precluded because they say that the aforesaid Henry Ayton hath not paid unto them the said Alexander and Hezekiah Claggett the aforesaid sum of Money in the Bill Obligatory aforesaid mentioned with the Interest thereon in such manner and form as the said Henry Ayton above by pleading hath alledged and this they prayed may be enquired of by the Country and the aforesaid Henry Ayton in like manner &c.

Whereupon this cause standing ready for tryal 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 October next twelve &c. by which &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 October being the thirteenth day of the same Month Anno Domini seventeen hundred and eighty nine come again as well the said Alexander Claggett and Hezekiah Claggett by their Attorney aforesaid as the said Henry Ayton by his Attorney aforesaid.

Nevertheless the said Henry Ayton by his Attorney aforesaid relinquishing the averment above by him pretended says that he cannot deny the action aforesaid of the aforesaid Alexander Claggett and Hezekiah Claggett so as aforesaid against him brought nor but that he owes to the aforesaid Alexander Claggett and Hezekiah Claggett the sum of One hundred and twenty pounds current Money, and because the said Alexander Claggett and Hezekiah Claggett do not gainsay but that the allegation aforesaid is true they pray Judgment of the debt aforesaid above acknowledged together with their Costs and charges by them about their Suit in this behalf expended to be adjudged to them &c.

Therefore it is considered by the Judges here that the said Alexander Claggett and Hezekiah Claggett recover against the said Henry Ayton as well the sum of One hundred and twenty pounds current Money the Debt aforesaid above acknowledged as the sum of twelve hundred and forty four pounds and two fifths of a pound of Tobacco by the Court here unto the said Alexander Claggett and Hezekiah or their Assent 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