shillings and Nine pence on the first day of October specified in the said Condition which according to the form and effect thereof he ought to have paid and this he is ready to verify wherefore he prays Judgment if the said William Bingham and Robert Gilmor their Action thereupon against him to have or maintain ought and so forth.

And the said William Bingham and Robert Gilmor say that they by any thing by the said William Graham above in pleading alledged from having or maining their aforesaid against him ought not to be precluded because they say that the aforesaid William Graham hath not paid unto them the aforesaid sums of Money in the Condition aforesaid mentioned on the days and times in such manner and form as the said William Graham above by pleading hath alledged And of this they pray may be enquired of by the Country and the aforesaid William Graham in like manner and so forth.

Whereupon this cause standing ready for Triab command is gevin 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 whom &c and who neither &c to recognize &c because as well &c the same day is gevin to the said parties then and there &c

At which said second tuesday of October being the fourteenth day of the same Month Anno Domini seventeen hundred and eighty nine comes again as well the aforesaid William Bingham and Robert Gilmor by their Attorney aforesaid as the aforesaid William Graham by his Attorney aforesaid Nevertheless the said William Graham by his Attorney aforesaid relinquishing the averment above by him pretended says that he cannot deny the Action aforesaid of the aforesaid William Bingham and Robert Gilmore so as aforesaid against him brought nor but that he owes to them the aforesaid sum of Four hundred and eighteen pounds thirteen Shillings and six pence current Money in such manner and form as they have above complained against him.

Therefore it is considered by the Judges here that the said William Bingham and Robert Gilmor recover against the said William Graham as well the sum of Four hundred and eighteen pounds thirteen Shillings and six pence current Money their debt aforesaid in form aforesaid confessed as also the sum of Six hundred and sixty four pounds and one fifth of a pound of Tobacco by the Court here unto the said William Bingham and Robert Gilmor on their Assent adjudged as well for their damages sustained by reason 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. The plaintiff releases the penalty on payment of the principal Interest and Costs of suit and agrees to stay Execution until the first day of January next, payments if any to be allowed.

Test. John Gwinn Clk

Joseph Hicking
against
Ephraim Howard &
Joshua Howard Exors
James Howard.

Be it Remembered that heretofore towit on the twenty fourth day of March Anno Domini seventeen hundred and eighty eight the plaintiff by Zebulon Hollingsworth his Attorney sued out of our General Court the State of Maryland a Writ of Capias ad Respondendum directed to the Sheriff of Ann Arundel County in the words and figures following towit.

The State of Maryland Sc. To the Sheriff of Ann Arundel County Greeting We command you that you take Ephraim Howard and Joshua Howard Executors of the Testament and last Will of James Howard deceased if they shall be found in your bailiwick and them safe keep so that you have their bodies before the Judges of our General Court to be held at the City of Annapolis on the second tuesday of May next to answer Joseph Hicking of a plea that they render unto him a certain Writing Obligatory commonly called a Bond the right and property of him the said Joseph and of the value of One hundred and twenty pounds current Money of Maryland which said Bond from him the said Joseph the said Ephraim and Joshua do unjustly detain and so forth. hereof fail not at your peril and have you then and there this Writ. Witness Robert Hanson Harrison Esquire Chief Justice of our said Court the 19th day of November Anno Domini 1787.

Issued the 24th day of March 1788. Z. Hollingsworth. Thomas B. Hodgkin Clk.

And the aforesaid Joseph Hicking by Zebulon Hollingsworth his Attorney aforesaid declared against the aforesaid Ephraim Howard and Joshua Howard Executors as aforesaid in the plea aforesaid as follows towit.

Western Shore of the State of Maryland. Anne Arundell County, ss. Ephraim Howard and Joshua Howard Executors of the Testament and last Will of James Howard deceased were summoned to answer unto Joseph Hicking of a plea that they render unto him a certain Writing Obligatory commonly called a Bond the right and property of him the said Joseph and of the value of One hundred and twenty pounds current Money of Maryland which said Bond from him the said Joseph the said Ephraim and Joshua do unjustly detain and so forth Whereupon the said Joseph by Zebulon Hollingsworth his Attorney complains that Whereas he the said Joseph on the ninth day of August in the Year of our Lord one thousand seven hundred and seventy three at the County aforesaid did deliver to the said James Howard in his lifetime the Writing Obligatory aforesaid the right

and,