On the sixth day of April in the year of our Lord one thousand seven hundred and eighty eight, he the said John paid to the said James the said sum of one hundred and seventy nine pounds sterling money of Great Britain according to the Condition aforesaid, together with all Interest then due thereon, and this he is ready to verify. wherefore he prays Judgment if the said James ought to have or maintain his action aforesaid thereon against him the said John &c.

And the said James Killingley Henry Green, Samuel Green and John Wright Killingley say that they by any thing by the said John Michle above in pleading alledged from having or maintaining their action aforesaid against him ought not to be precluded because they say that the aforesaid John Michle did not pay unto him the said James Killingley, on the day aforesaid in the Condition of the aforesaid Bond contained to wit, on the sixth day of April in the year of our Lord one thousand seven hundred and eighty eight the said sum of one hundred and seventy nine pounds sterling money of Great Britain according to the Condition aforesaid together with all Interest then due thereon in such manner and form as the said John Michle above by pleading hath alledged and of this they pray may be enquired of by the Country and the aforesaid John Michle in like manner and so forth.

Whereupon this Cause standing ready for trial 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 whom &c. and who neither &c. to recognize &c. because as well &c the same day is given to the said parties then and there &Ca.

And now here at this day to wit the said second tuesday of October being the twelfth day of the same month anno domini seventeen hundred and ninety come again as well the said James Killingley Henry Green, Samuel Green, and John Wright Killingley by their attorney aforesaid as the said John Michle by his attorney aforesaid but our said sheriff hath not sent his writ.

Nevertheless the aforesaid John Michle by his attorney aforesaid relinquishing the averment above by them pretended says that he cannot deny the action aforesaid of the aforesaid James Killingley

Henry Green Samuel Green, and John Wright Killingley the aforesaid sum of five hundred and ninety six pounds thirteen shillings and four pence Current money of Maryland in manner and form aforesaid so as the aforesaid James Killingley Henry Green, Samuel Green and John Wright Killingley above against him have declared.

Therefore it is considered by the Judges here that the aforesaid James Killingley, Henry Green, Samuel Green and John Wright Killingley recover against the said John Michle as well the sum of five hundred and ninety six pounds thirteen shillings and four pence Current money their debt aforesaid in form aforesaid confessed as also the sum of six hundred and ninety three pounds of tobacco by the Court here unto the said James Killingley, Henry Green, Samuel Green and John Wright Killingley 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 &Ca.

Memorandum, The Plaintiffs agree to release the penalty on payment of Principal Interest and Costs of suit and agree to stay execution until the first day of January next. Payments if any to be allowed.

Test Jnt. Gwinn Clerk.

A.R. John Nixon and Alexander Foster
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L.M. John Hackett

Be it remembered that heretofore to wit on the twenty second day of September Anno Domini seventeen hundred and eighty nine the Plaintiffs by Archibald Robinson their attorney sued out of our General Court 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 John Hackett late of Baltimore County merchant 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 John Nixon and Alexander Foster of a plea of trespass on the case and so forth, hereof fail not at your peril and have you then and there this writ, Witness Robert Hanson Harrison