Executor aforesaid the said Damages and Costs could have satisfied to wit at the County aforesaid. Nevertheless the said Elijah Gaither the Executor aforesaid the said sum of Current Money and costs aforesaid so due and unpaid as aforesaid to the said Thomas Usher, Joseph Donaldson, Samuel Johnson and Joseph Usher Executors aforesaid or to either of them hath not paid or satisfied but the same still remains due and unpaid to them the said Thomas Usher, Joseph Donaldson, Samuel Johnson and Joseph Usher the Executors aforesaid And so the said William Cooke saith that the said Elijah Gaither Executor as aforesaid hath not paid the Debts of the said Edward Gaither his Testator which he did owe at the time of his death so far forth as the goods, and chattels, and credits, which were of the said Edward Gaither at the time of his death will extend and the Law will charge as he ought to have done but hath wasted and misapplied the same contrary to the form of the Condition of the writing obligatory aforesaid And this the said William Cooke is ready to verify and so forth wherefore he prays Judgment for the said State for the Debt aforesaid together with Damages by occasion of the detention thereof to the said State to be adjudged with this that the said William Cooke will also verify that the said Elijah Gaither in the said writing obligatory mentioned and the said Elijah Gaither in the Record of the said Judgment mentioned is one and the same person and not divers

W. Cooke for the State.

Nevertheless the aforesaid Perin Hammond by his Attorney aforesaid relinquishing the averment aforesaid above by him pretended says that he cannot deny the Action aforesaid of the aforesaid State of Maryland so as aforesaid against him brought, nor but that he owes to the aforesaid State of Maryland the aforesaid sum of Five thousand pounds Current Money in manner and form aforesaid so as the aforesaid William Cooke Attorney for the said State who for the said State in this behalf prosecuteth above against him hath declared

Therefore it is considered by the Judges here that the said State of Maryland recover against the aforesaid Perin Hammond as well the sum of Five thousand pounds Current Money of Maryland its debt aforesaid in form aforesaid confessed as also the Quantity of Seven hundred and sixty nine pounds of Tobacco by the Court here unto the said State of Maryland on its afore'd adjudged as well for its damages sustained by reason of the detention of that Debt as for its Costs and Charges by the said State of Maryland about its



its suit in this behalf laid out and expended; And the said Defendant in mercy &c.

Memorandum, Judgment was rendered in this Cause on the twenty seventh day of May Anno Domini seventeen hundred and ninety four; for penalty and Costs of Suit; And the Plaintiff agrees to release the penalty upon the payment of the sum of Seventy six pounds thirteen shillings and four pence current Money with Interest thereon from the twelfth day of October Anno Domini one thousand seven hundred and ninety, and Eleven hundred and ninety pounds of Tobacco at twelve shillings and six pence per hundred, and the cost of this Suit; and agrees to stay Execution untill the first day of August next

Test John Gwinn. Clk

Mr. C. P. P.

State of Maryland at the instance, and for the use of Thomas Usher's Excors against Gabriel Duvall

Be it remembered that on the second Tuesday of May, being the eighth day of the same Month Anno Domini seventeen hundred and ninety two, William Cooke Attorney for the State of Maryland who for the said State in this behalf prosecuteth, filed in our General Court here, his Declaration against Gabriel Duvall present here in Court in his proper person in a plea of Debt which follows in these words, to wit, ——— State of Maryland Ann Arundel County, ss, Gabriel Duvall late of Ann Arundel County Esquire otherwise called Gabriel Duvall of Anne Arundel County was summoned to answer unto the State of Maryland of a plea, that he render unto the State aforesaid the full and just sum of Five thousand pounds Current Money which to said State he owes and unjustly detains and so forth. And whereupon the said State of Maryland by William Cooke in this behalf her Attorney, saith, that whereas the aforesaid Gabriel Duvall on the fourth day of October in the year one thousand seven hundred and eighty seven at Ann Arundel County aforesaid by his certain writing obligatory, acknowledged himself to be held and firmly bound unto the aforesaid State in the aforesaid sum of Five thousand pounds current Money to be paid to the said State when afterwards he should be thereunto required Nevertheless the aforesaid Gabriel Duvall (although often thereunto required) the aforesaid sum of Current Money to the said State hath not rendered or paid, but the same to the said State hitherto to render or pay he hath altogether refused, and still doth refuse, wherefore the State of Maryland is the worse, and hath damage to the