And the said Elijah Gaither heir at Law and devisee of Edward Gaither Junior deceased by his attorney Gabriel Duvall comes and defends the force and injury when and so forth, and prays leave of the Court to imparle hereunto until the second Tuesday of October next, and he hath it the same day is given to the aforesaid Rezin Hammond also.

At which said second Tuesday of October being the ninth day of the same month in the year of our Lord Seventeen hundred and ninety two comes into the General Court here as well the said Rezin Hammond by his attorney aforesaid as the said Elijah Gaither heir at Law and devisee of Edward Gaither Junior, by his attorney aforesaid, and thereupon on motion of the said Elijah Gaither heir at Law and devisee of Edward Gaither Junior by his attorney aforesaid it is ruled by the Court here that the said Rezin Hammond declare against the said Elijah Gaither heir at law and devisee of Edward Gaither Junior in the plea aforesaid or Judgment by the Court here will be entered against him in default thereof, and the said Rezin Hammond by his attorney aforesaid, prays leave of the Court here to imparle until the second Tuesday of May next, and then to declare against the said Elijah Gaither heir at Law and devisee of Edward Gaither Junior deceased in the plea aforesaid and to him it is granted the same day is given to the said Elijah Gaither heir at Law and devisee of Edward Gaither also. —

At which said second Tuesday of May being the fourteenth day of the same month in the year of our Lord one thousand seven hundred and ninety three to which said day the said Rezin Hammond had leave to imparle and then to declare against the said Elijah Gaither heir at Law and devisee of Edward Gaither Junior as aforesaid, comes into Court here the parties aforesaid by their attornies aforesaid, and the said Rezin Hammond by his attorney aforesaid, declares against the aforesaid Elijah Gaither heir at Law and devisee of Edward Gaither in the following manner and form, to wit: — Maryland, Sc, Baltimore County, to wit, Elijah Gaither late of Baltimore County Gentleman heir at Law and devisee of Edward Gaither Junior late of Ann Arundel County deceased (otherwise lately called Edward Gaither Junior) was summoned to answer unto unto Rezin Hammond in a plea that he render unto him the full and just sum of one thousand and seventy two pounds ten shillings and four pence Current Money which from him he unjustly detains and so forth. And whereupon the said Rezin by William Pinkney his attorney saith, That whereas the aforesaid Edward in his Life time to wit on the twenty fifth Day of August Seventeen hundred and eighty seven at Anne Arundel County to wit at Baltimore County aforesaid) by his certain Bill obligatory

Sealed

obligatory sealed with the seal of the said Edward and to the Court here now shewn whose Date is the day and year aforesaid did promise to pay unto the said Rezin the sum of five hundred and thirty six pounds five shillings and two pence Current money and legal Interest for the same Value received and for the true payment of the same did by the same Bill obligatory bind himself his Heirs Executors and Administrators in the whole and for the whole in the penal sum of one thousand Pounds ten shillings and four pence Current Money aforesaid, and the said Rezin saith that the said Edward in his life time altho often requested so to do by him the said Rezin in the life time of the said Edward at Ann Arundel to wit at Baltimore County aforesaid did not nor hath the said Elijah who was Heir and Devisee of the said Edward since the death of the said Edward, paid to him the said Rezin the aforesaid sum of five hundred and thirty six Pounds five shillings and two pence Current Money and legal Interest thereon or any part thereof as they ought to have done according to the form and effect of the Bill obligatory aforesaid whereby an Action accrued to the said Rezin to demand and have of the said Edward in his Life time and of the said Elijah after the Death of the said Edward the said one thousand and seventy two pounds ten shillings and four pence Current Money. Nevertheless the said Edward in his life time and the said Elijah who was Heir and Devisee of the said Edward (altho often required and so forth) the said last mentioned sum of money to the said Rezin have not yet paid nor hath either of them paid, but have hitherto altogether refused and the said Elijah still refuses to the Damage of the said Rezin fifty pounds Current money and therefore he brings suit and so forth

W. Pinkney for Plaintiff. Pledges and so forth { John Doe and Richard Roe

Oyer.

I promise to pay unto Rezin Hammond or order the sum of Five hundred and thirty six pounds five shillings and two pence Current Money and legal Interest for the same Value received — To the which payment I bind myself my heirs Executors and Administrators in the whole and for the whole in the penal sum of one thousand and seventy two pounds ten shillings and four pence Current Money as aforesaid. Witness my hand and Seal this twenty fifth day of August 1787

Signed Sealed and delivered in the presence of Stephen West Junior. — Edward Gaither Junior (Seal)

And the said Elijah Gaither heir at Law and devisee as aforesaid by Gabriel Duvall his attorney appears in Court here, and thereupon on motion of the aforesaid Rezin Hammond by his attorney aforesaid It is ruled by the Court here that the aforesaid Elijah heir at Law and devisee as aforesaid answer to the declaration aforesaid of the

aforesaid