or into the hands and possession of any other person or persons for him, do well and truly administer according to Law, viz.t shall pay the Debts of the said deceased so far forth as the said Goods Chattels and Credits will extend and the Law will charge; And further do make or cause to be made a true and just Account of his said Administration at or before the fourth day of October 1788 next; and all the rest and residue of the said Goods Chattels and Credits which shall be found remaining upon the said Executors Account the same being first examined and adjusted by the Justices for the time being of the said Court do distribute or dispose of according to Law and the true intent and meaning of the last Will and Testament of the said deceased then this obligation to be void and of none effect or else to remain in full force, virtue

Signed Sealed and delivered in the presence of Thos. Gassaway — Elijah Gaither (seal) — Rezin Hammond (seal) — G. Duvall (seal)

In Testimony that the within and foregoing is a true Copy from the Original I have hereto set my hand and affixed my Seal of Office this 18th. day of January in the year of our Lord 1793. (seal) Wm. Gassaway Reg Wills. A A Coty.

A Copy of which aforegoing Declaration and Oyer was made and sent with the Writ which issued in the plea aforesaid

At which mentioned second Tuesday of May being the fourteenth day of the same month Anno Domini seventeen hundred and ninety three and the day of the return of the aforegoing writ comes here into our General Court the aforesaid Zebulon Hollingsworth Attorney for the said State who for the said State in this behalf prosecuteth; And the Sheriff of Anne Arundel County to whom the said aforegoing Writ was made and directed, likewise comes and makes return thereof, to the Court here, thus endorsed, to wit.

Cepi Copy left the 15th. March 1793 Wm. Goldsmith Shff.

And the said Rezin Hammond by Gabriel Duvall his Attorney comes and defends the force and injury when and so forth, and prays Leave of the Court to Imparle hereunto untill next Court to Imparle hereunto untill next Court, and he hath it, the same day is given to the aforesaid Zebulon Hollingsworth Attorney for the said State, who for the said State in this behalf prosecuteth also.

(At)

At which said next Court, to wit, the second Tuesday of October being the eighth day of the same month Anno Domini seventeen hundred and ninety three comes again here into our General Court as well the aforesaid Zebulon Hollingsworth Attorney for the said State, who for the said State in this behalf prosecuteth, as the aforesaid Rezin Hammond by his Attorney aforesaid, And the aforesaid Rezin Hammond by his Attorney aforesaid as before defends the force and injury when and so forth, and prays further Leave of the Court to imparle hereunto, untill next Court, and he hath it, the same day is given to the aforesaid Zebulon Hollingsworth Attorney for the said State, who for the said State in this behalf prosecuteth also.

At which said next Court, to wit, the second Tuesday of May being the thirteenth day of the same month Anno Domini seventeen hundred and ninety four comes again here into our General Court as well the aforesaid Zebulon Hollingsworth Attorney for the said State, who for the said State in this behalf prosecuteth, as the aforesaid Rezin Hammond by his Attorney aforesaid, And the aforesaid Rezin Hammond by his Attorney aforesaid as before defends the force and injury when and so forth and prayeth an hearing of the writing obligatory aforesaid and the Condition thereof, and to him they are read; which being read and heard, the said Rezin saith that the said State its Action aforesaid thereof against him to have or maintain ought not because he saith that from the time of making the Writing obligatory aforesaid he the said Elijah Gaither hath hitherto faithfully performed, observed and fulfilled all and every thing in the Condition aforesaid mentioned on his part to be observed performed and fulfilled according to the form and effect of the said Condition And this he is ready to verify, wherefore he prays Judgment if the said State its Action aforesaid thereof against him to have or maintain ought &c.

And the said Zebulon Hollingsworth Attorney for the said State in this behalf saith, that the said State by any thing by the aforesaid Rezin in his plea above alledged from having and maintain the Action aforesaid against him the said Rezin to be precluded ought not because protesting that the aforesaid Elijah in the Condition of the said writing obligatory mentioned hath not performed any thing in the Condition aforesaid above specified on his part to be performed according to the form and effect of the Condition aforesaid as the said Rezin hath above alledged for plea.

(Nevertheless,)