October Term 1801.

At which said second tuesday of October being the fourteenth day of the said month in the year of our Lord one thousand eight hundred, to which said day the said Stephen Shelmerdine had further leave to impark and then to answer to the declaration aforesaid of the aforesaid Rebecca Dulany Executrix as aforesaid in the plea aforesaid comes again into the General Court here as well the aforesaid Rebecca Dulany Executrix as aforesaid by her Attorney aforesaid as the said Stephen Shelmerdine by his Attornies aforesaid; And the said Stephen Shelmerdine by his Attornies aforesaid as before defends the force and injury when and so forth, and prays an hearing of the writing obligatory aforesaid, and the condition thereof and he hath them in the words following to wit. Know all men by these presents that we William Duvall Thomas Beatty and Stephen Shelmerdine all of Frederick County are held and firmly bound unto Daniel Dulany in the full and just sum of four thousand three hundred and thirty three pounds six shillings and eight pence Current money and two thousand pounds of tobacco to be paid to the said Daniel Dulany his certain attorney heirs Executors administrators and assigns for which payment well and truly to be made and done we bind ourselves and each of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 31st. day of August Seventeen hundred and eighty nine. Whereas the above bound William Duvall is about to obtain an Injunction out of the High Court of Chancery to stay proceedings at Law on a Judgment rendered against him in the General Court for the Western Shore at April term Seventeen hundred and eighty nine by the said Daniel Dulany for the sum of two thousand one hundred and sixty six pounds thirteen shillings and four pence current money and eight hundred and thirty three and two fifths pounds of Tobacco costs of Suit. Now the Condition of the above obligation is such that if the above bound William Duvall shall prosecute the said writ of Injunction with effect and satisfy and pay as well the sum of two thousand one hundred and sixty six pounds thirteen shillings & four pence current money and costs as all costs damages and charges that shall accrue in the Chancery Court to be occasioned in the delay of Execution on the said Judgment unless the Chancery Court shall decree to the contrary and shall in all things obey such orders and decree as the Chancery Court shall make in the premises then the above obligation to be void and of no effect else to be and remain in full force & Virtue.

Wm. Duvall ——— (Seal)
Thos. Beatty ——— (Seal)
Steph. Shelmerdine (Seal)

Signed sealed and delivered in presence of W. Owings. Biggar Head.

True Copy. Test. Samuel Harvey Howard Reg. Cur. Can.

Which being read and heard the said Stephen Shelmerdine saith that the aforesaid Rebecca Dulany Executrix as aforesaid her action aforesaid thereof against him the said Stephen Shelmerdine to have or maintain ought not because he says that the said William Duvall in the condition of the said writing obligatory mentioned from the time of making the said writing obligatory hath well & truly observed performed fulfilled and kept all and singular the matters and things in the condition of the said writing obligatory mentioned and contained which the said William Duvall according to the condition aforesaid ought to have observed performed fulfilled and kept to wit at Frederick County aforesaid and this he the said Stephen Shelmerdine is ready to verify wherefore he prays Judgment if the aforesaid Rebecca Dulany executrix as aforesaid her Action aforesaid thereof against him to have or maintain ought and so forth. And thereupon the said Stephen Shelmerdine by his Attornies aforesaid prays that the aforesaid Rebecca Dulany Executrix as aforesaid may reply to the answer of the said Stephen Shelmerdine in the plea aforesaid. Whereupon it is ruled by the Court here that the aforesaid Rebecca Dulany Executrix as aforesaid reply to the answer of the said Stephen Shelmerdine in the plea aforesaid and if she doth not reply to the said answer of the said Stephen Shelmerdine, Judgment will be rendered against here by default. And the aforesaid Rebecca Dulany executrix as aforesaid by her Attorney aforesaid prays leave of the Court here to impark until the second tuesday of May next to reply to the answer of the said Stephen Shelmerdine in the plea aforesaid and he hath it the same day is given to the said Stephen Shelmerdine then &c.

At which said second tuesday of May being the twelfth day of the said month in the year of our Lord one thousand eight hundred and one until which day the aforesaid Rebecca Dulany Executrix as aforesaid had leave to impark and then to reply to the answer of the said Stephen Shelmerdine in the plea aforesaid comes again into the General Court here as well the aforesaid Rebecca Dulany executrix as aforesaid by her Attorney aforesaid as the said Stephen Shelmerdine by his Attorney aforesaid. — And the said Rebecca saith that she by any thing in the said plea of the said Stephen above alledged ought not to be precluded from having and maintaining her action aforesaid thereof against the said Stephen because protesting that the said William in the condition of the said writing obligatory mentioned from the time of making the said writing obligatory hath not well and truly performed fulfilled and kept all and singular the matters and things in the said condition mentioned and contained which he according