the said John Creager in the Western Shore General Court. They acknowledge themselves to be content therewith, this 28th day of April in the year One thousand eight hundred. Before Jacob Young To the Honorable the Judges of the General Court. — G. Kennedy. Arthur Shaaff Esquire, to appear for Defendant. — And the said John Creager by his attorney aforesaid, defends the force and injury when and so forth, and prays leave of the Court here to imparle until the second tuesday of October next, and to him it is granted; the same day is given to the said Joseph Spragg Senior also. —

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 John Creager had leave to imparle, comes again into the General Court here, the said John Creager by his attorney aforesaid, and the said Joseph Spragg Senior doth not come: And the said John Creager suggests to the Court here, that since the last continuance of the plea aforesaid, and before this time, the said Joseph Spragg Senior the plaintiff in this cause, departed this life, and the same is not denied; thereupon day is given by the Court here until the second tuesday of May next, for the proper parties to appear according to the Act of Assembly in such case made and provided; to prosecute of and upon the premises in the plea aforesaid; the same day is given to the said John Creager, there and so forth. —

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, comes again into the General Court here the said John Creager by his attorney aforesaid and now here also comes Osborn Spragg Executor of the Testament and last will of the said Joseph Spragg Senior by Samuel Hughes his attorney, and brings into Court here the Letters Testamentary of the said Joseph Spragg Senior, by which it sufficiently appears to the Court here, that the said Osborn Spragg is the Executor of the Testament and last will aforesaid, and have the Execution thereof and so forth: Whereupon the said Osborn Spragg Executor as aforesaid, by his attorney aforesaid offer himself against the said John Creager according to the Act of Assembly aforesaid, to prosecute of and upon the premises in the plea aforesaid, and so forth: And on motion of the said Osborn Spragg Executor as aforesaid by his attorney aforesaid, it is ruled by the Court here, that the said John Creager answer to the Declaration aforesaid of the said Joseph Spragg Senior in the plea aforesaid, a Judgment by the Court here will be rendered against him in default thereof: And the said John Creager by his attorney aforesaid as before defends the force and injury when and so forth, and prays leave of the Court here further to imparle until the second tuesday of October next, and then to answer to the Declaration aforesaid in the plea aforesaid, and to him it is granted; the same day is given to the said Osborn Spragg Executor as aforesaid, also. —

At which said second tuesday of October being the thirteenth day of the said month in the year of our Lord One thousand eight hundred and one, to which said day the said John Creager had leave further to imparle and then to answer

to the Declaration aforesaid in the plea aforesaid, come again into the General Court here, as well the said Osborn Spragg Executor as aforesaid, by his attorney aforesaid, as the said John Creager by his attorney aforesaid: And the said John Creager by his attorney aforesaid as before defends the force and injury when and so forth and saith that the said Osborn Spragg Executor as aforesaid his action aforesaid against him the said John Creager to have or maintain ought not and so forth, because he saith that he the said John Creager, before the impetration of the original writ in this cause, to wit, on the Twenty Second day of March in the year of our Lord One thousand eight hundred, paid to the said Joseph Spragg Senior in his life time the said sum of One hundred and fifty four pounds currency in the Condition of the writing Obligatory aforesaid mentioned with all the Interest thereon then due, according to the form and effect of the said Condition, to wit, at the County of Frederick aforesaid, and this he is ready to verify wherefore he prays Judgment whether the said Osborn Spragg Executor as aforesaid his action aforesaid against him the said John Creager to have or maintain ought and so forth. — And the said Osborn Spragg Executor as aforesaid by his attorney aforesaid saith that he by any thing by the said John Creager above in pleading alleged from having and maintaining his action aforesaid against the said John Creager, ought not to be precluded, because he saith that the said John Creager did not pay to the said Joseph Spragg Senior in his life time the said sum of One hundred and fifty four pounds currency in the Condition of the writing obligatory aforesaid mentioned with all the interest thereon then due in manner and form as the said John Creager above by pleading hath alleged, and this he prays may be enquired of by the Country and he said John Creager in like manner and so forth. — Therefore let a Jury thereon appear before the Court here, on the second tuesday of May next, by whom and so forth, and who neither and so forth, to recognize and so forth because as well and so forth; the same day is given to the parties aforesaid, then and there, and so forth. —

And now at this day to wit, the said second tuesday of May being the Eleventh day of the said month in the year of our Lord One thousand eight hundred and two, come again into the General Court here, as well the said Osborn Spragg Executor as aforesaid by his attorney aforesaid, as the said John Creager by his attorney aforesaid: And the said John Creager by his attorney aforesaid, relinquishing the averment aforesaid, above by him pretended says that he cannot deny the action aforesaid of the said Osborn Spragg Executor as aforesaid, so as aforesaid against him brought, nor but that he owes to the said Osborn Spragg Executor as aforesaid the said sum of Three hundred and eight pounds current money, in manner and form aforesaid, as the said Joseph Spragg Senior above against him hath declared: Therefore it is Considered by the Court here, that the said Osborn Spragg Executor as aforesaid recover against the said John Creager as well the said sum of Three hundred and eight pounds current money, his Debt aforesaid in form aforesaid Confessed, as the quantity of Seven hundred and ninety five pounds of tobacco, by the Court here unto him the said Osborn Spragg Executor as