Condition mentioned and Contained which he according to the Condition thereof ought to have observed performed fulfilled and kept that is to say at Baltimore County aforesaid as the said Samuel in the plea aforesaid hath alledged, for plea Nevertheless the said Rebecca by replying saith that after the making the writing obligatory aforesaid and before the impetration of the writ original of her the said Rebecca in this cause impetrated it was on the Judgment of the General Court and writ of Error aforesaid in the said writing obligatory mentioned in such manner proceeded between the said Rebecca as Executrix of the said Daniel Dulany and the said Thomas in the Court of Appeals, that afterwards at a Court of Appeals begun and held at the City of Annapolis on the second Tuesday of November in the year seventeen hundred and ninety nine, that the Judgment aforesaid of the said General Court was in all things affirmed and ratified and it was then and there considered and adjudged by the said Court of appeals that the said Rebecca Dulany as executrix of the said Daniel recover against the said Thomas the quantity of Eleven hundred and sixty pounds of tobacco for her Costs in that behalf laid out and expended by pretence of prosecuting the said writ of error as by the record thereof in the said Court of Appels remaining more fully appears. And the said Rebecca avers that the said Thomas did not prosecute the said writ of error with Effect and that he hath not paid or satisfied to the said Rebecca as Executrix of the said Daniel Dulany the said Judgment obtained by the said Daniel in the General Court or the aforesaid quantity of tobacco, adjudged unto the said Rebecca as Executrix of the said Daniel by the said Court of appeals upon the affirmance of the said Judgment or either of them or any part thereof. And this the said Rebecca is ready to verify, wherefore she prays Judgment and her debt aforesaid together with her damages sustained by occasion of the detention thereof to her to be adjudged &c.

And the aforesaid Samuel Ringgold comes and as to the replication of the aforesaid Rebecca Dulany to the plea of him the said Samuel Ringgold above set forth he saith that the aforesaid Rebecca Dulany not withstanding any thing in her said replication pleaded ought not to have or maintain her said

said action thereof against him the said Samuel Ringgold because he the said Samuel Ringgold saith that the said Thomas Ringgold hath well and truly paid and satisfied to the said Rebecca Dulany as well all and singular the debt damages and Costs adjudged against him by the said General Court as aforesaid as also all Costs and damages that were awarded by the Court of appeals as aforesaid upon the affirmance of the said Judgment to wit, on the first day of May in the year of our Lord one thousand Eight hundred at Baltimore County aforesaid and this he the said Samuel Ringgold is ready to verify, wherefore he prays Judgment whether the aforesaid Rebecca Dulany her action aforesaid thereof against him the said Samuel Ringgold to have and maintain ought, and soforth.

And the aforesaid Rebecca Dulany as to the rejoinder of the said Samuel Ringgold above by rejoining pleaded says she ought not to be precluded from having and maintaining her action aforesaid against the said Samuel Ringgold, because she says that the said Thomas Ringgold hath not well and truly paid and satisfied the aforesaid Rebecca Dulany as well all and singular the debt damages and Costs adjudged against him by the said General Court as aforesaid, as also all Costs and damages that were awarded by the Court of appeals as aforesaid upon the affirmance of the said Judgment in manner and form as the aforesaid Rebecca Dulany hath by her replication alledged and this she prays may be enquired of by the Country and so forth, and the said Samuel Ringgold 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 soforth, to recognize and so forth, because as well and soforth, 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 same month, in the year of our Lord one thousand eight hundred and two, comes again into the General Court here as well the aforesaid Rebecca Dulany by her attorney aforesaid as the said Samuel Ringgold by his attornies aforesaid And the said Samuel Ringgold by his attornies aforesaid, relinquishing the averment aforesaid above by him pretended says that he Cannot deny the action aforesaid of the aforesaid Rebecca Dulany so as aforesaid against him brought, nor but