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and the aforesaid Benjamin Terry by his attorney aforesaid, defended the wrong and injury when and soforth: and prayed leave to imparl thereto until the second Tuesday of September next; and it was granted unto him: and the same day was given to the aforesaid Edward Tilghman Executor as aforesaid, and soforth. At which said second Tuesday of September, Anno Domini One thousand seven hundred and eighty six, came here again the parties aforesaid, by their attorneys aforesaid; and the aforesaid Edward Tilghman Executor as aforesaid, by his attorney aforesaid, prayed that a rule of Court be made for the aforesaid Benjamin Terry to file his plea, and answer to the Declaration aforesaid of him the aforesaid Edward Tilghman Executor as aforesaid, at the next April Term, and it was granted unto him: and the aforesaid Benjamin Terry by his attorney aforesaid, defended the wrong and injury (as before) when and soforth: and prayed leave to imparl thereto until the second Tuesday of April next; and it was granted unto him: and the same day was given to the aforesaid Edward Tilghman Executor as aforesaid, and soforth. ——

And now here at this day to wit, the said second Tuesday of April Anno Domini One thousand seven hundred and eighty seven, here come again the Parties aforesaid by their attorneys aforesaid, and the said Benjamin Terry by his attorney aforesaid, defendes the force and injury when and soforth: and saith that he cannot gainsay the action aforesaid of the aforesaid Edward Tilghman so as aforesaid against him brought nor but that the writing obligatory mentioned in the Declaration aforesaid is the Deed of him the said Benjamin Terry nor but that he owes to the aforesaid Edward Tilghman the aforesaid sum of eleven hundred pounds current money of Maryland, in manner and form as the said Edward Tilghman Executor as aforesaid, above against him hath complained: Therefore it is considered by the Court here, that the said Edward Tilghman Executor as

(aforesaid)

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aforesaid, do recover against the said Benjamin Terry his Debt aforesaid, in form aforesaid acknowledged: as also the quantity of six hundred and seventeen pounds of Tobacco, as well for his damages which he hath sustained by occasion of the detention of that Debt, as for his Costs and Charges by him about his suit in this behalf expended unto the same Edward Tilghman Executor as aforesaid, by the Court here with his assent adjudged and soforth. and the said Benjamin Terry in mercy, and soforth. ——

James Earle Clerk.

John Kidd, use of Thomas Smyth, (Chester Town)
against
The Heir and Terrednants of Andrew Hynson (deceased)

Memorandum, the Plaintiff in this Cause by William Tilghman his Attorney sued out the State of Marylands writ of Scire facias the Tenor whereof ensueth in the following words, to wit, —

The State of Maryland to the Sheriff of Kent County Greeting: whereas at a Provincial Court begun and held at the City of Annapolis on the second tuesday of April Anno Domini seventeen hundred and seventy three before the honorable William Hayward Esquire chief Justice of the said Court and others his associates then Justices of the same Court a certain John Kidd by consideration of the said Court recovered Judgment against a certain Andrew Hynson for as well the sum of five hundred and eighty pounds twelve shillings current money a certain Debt, as the sum of five hundred and seventy eight pounds and three quarters of a pound of Tobacco costs of Suit: as also the sum of five hundred and sixty three pounds of Tobacco additional costs of suit thereon, as by the Record and process thereof in the said Provincial Court manifestly appears: And whereas the said Andrew Hynson is since dead as by the information of William Tilghman Esquire we have received; and whereas also the said Andrew Hynson in his lifetime hath not paid the condemnation of the Court in the plea aforesaid to the aforesaid John Kidd nor rendered

(his)