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them to pay they have hitherto altogether refused, & to the said Thomas & Samuel to pay the said Solomon still doth refuse; & to the damage of the said Thomas & Samuel fifteen hundred pounds current money of Maryland, & therefore they bring suit, &c. —

Wm. Tilghman — Pledges, &c — John Doe, Richd. Roe. —

At which said second Tuesday of September, seventeen hundred and eighty six; came again the parties aforesaid by their Attorneys aforesaid, and the said Thomas and Samuel Fisher by their Attorney aforesaid, prayed that a rule of Court be made for the said Solomon Clayton, to file his plea and answer unto the Declaration of them the said Thomas and Samuel Fisher, by the next April Term; and it was granted unto them: Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their Attorneys aforesaid, and by order of the Court here thereon was further continued until the second Tuesday in April then next following.

At which said second Tuesday of April, seventeen hundred and eighty seven, came again the parties aforesaid by their Attorneys aforesaid and the said Solomon Clayton by his Attorney aforesaid defended the force and injury when and so forth: And saith that the said Thomas and Samuel Fisher their action aforesaid thereof against him to have or maintain ought not, because he saith, that at the day and place mentioned in the said Condition he did well and truly pay and discharge to them the said Thomas and Samuel Fisher, the said sum of One thousand four hundred and ~~fo~~ ninety two pounds current money in the Condition of the writing Obligatory aforesaid mentioned, according to the form and effect of the same Condition mentioned, to wit, at the County aforesaid and this he is ready to verify: Wherefore he prays Judgment if the said Thomas and Samuel their Action aforesaid

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thereof against him to have or maintain ought — And the said Thomas and Samuel Fisher says that they from having or maintaining their Action aforesaid thereof against him the said Solomon Clayton ought not to be precluded, because they say that the said Solomon Clayton, at the time and place mentioned in the said Condition did not well and truly pay and discharge unto them the same Thomas and Samuel Fisher the said sum of One thousand four hundred and ninety two pounds current money in the Condition of the writing obligatory aforesaid mentioned, according to the form and effect of the Condition aforesaid, in manner and form as the said Solomon Clayton above in pleading hath alledged, and this they pray may be inquired of by the Country: And the said Solomon Clayton in like manner, &c. —

And this cause standing ready for trial; thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their Attorneys aforesaid, and by order of the Court here thereon, was further continued until the second Tuesday in September, then next following.

And now here at this day, to wit, the second Tuesday of September, seventeen hundred and eighty seven; here came again the parties aforesaid by their Attorneys aforesaid, and the said Solomon Clayton by his Attorney aforesaid defendeth the force and injury when and so forth: And saith that he cannot gainsay the Action aforesaid of them the said Thomas and Samuel Fisher, so as aforesaid against him brought, nor but that he owes to the said Thomas and Samuel Fisher the aforesaid sum of One thousand four hundred and ninety two pounds, in manner and form aforesaid, so as the said Thomas and Samuel Fisher above against him hath complained: Therefore it is considered by the Court here, that the said Thomas and Samuel Fisher do recover against the said Solomon Clayton, their Debt aforesaid in form aforesaid acknowledged; as also the quantity of of Tobacco, as well for their damages which they have sustained by occasion of the detention of that debt, as for their Costs and Charges by them about their suit in this behalf expended unto the same Thomas and Samuel Fisher by the Court here with his Assent Adjudged, &c. — And the said Solomon Clayton in mercy &c. —

James Earle jun. Clk.