John Harford Montgomery
And Wife Exr of William Turner
against
Elihu Hall.

Memorandum the Defendant by Peregrine Letherbury his Attorney sued out the State Writ of Certiorari the tenor whereof insues in these words, to wit:

(The State of Maryland. (To the Justices of Cecil County greeting: Whereas lately in our said Court of Cecil County Elihu Hall Junior late of Cecil County one of the Justices of the said Court was summoned by Virtue of a Bill of Privilege brought against him by John Harford Montgomery and Mary his Wife Executrix of the last will and Testament of William Turner late of the County and Province afsd, Deceased, of a plea that he hath not rendered unto them the said John Harford Montgomery and Mary his Wife four hundred Pounds lawfull Money of Maryland which to them he owes and unjustly detains and so forth which said Plea as it is said is still depending before you our said Justices in our said County Court undetermined and we being Desirous for certain reasons that the Record of the Proceedings in the plea afsd should by you be certified to us Do command you that you send under your Seals the Record of the Proceedings aforesaid in the Plea afsd with all things touching the same into our General Court to be held for the Eastern Shore of this State at Talbot County Court house the second Tuesday of April next, plainly and in as full and ample manner as it now remains before you together with this writ so that we may be able thereon to proceed and to do what shall appear to us of Right ought to be done. Witness the (Honorable Robert Hanson Harrison Esqr Chief Judge of our Said Court this sixth day of October Anno Domini 1786.

Issued the 6th Day of December 1786. James Earle Clk

At which day to wit, the said second Tuesday in April seventeen hundred and eighty seven being the day of the return of the writ aforesaid the Justices and Sheriff of Cecil County in compliance with the writ aforesaid made return thereof to the Court here with the following Record annexed, to wit;

Cecil County, to wit; At a County Court of the State of Maryland begun and held in & for Cecil County at Charles Town at the Court House in the said County on the Monday before the second Tuesday of March being the twelfth day of the same Month in the year of our Lord seventeen hundred and eighty seven by and before the Justices in and for said County and other officers duly Commissioned Authorised and Sworn and so forth.—

Present The Worshipfull. Joseph Gilpin, Stephen Hyland, Samuel Miller, Elihu Hall, Patrick Ewing, William Mathews, Peter Lawson, Sidney George, Nathan Norton, Jeremiah Baker, Nathaniel Ramsey, Michael Wallace, Tobias Rudolph Jr, Gentlemen Justices —

Archabald Job Esqr Shff. B. Williams Clk

In the Record and Proceedings of said Court Amongst others was the following to wit;

L. John Harford Montgomery & Wife Exr Wm Turner
a
Pl. Elihu Hall Junr

Cecil County, to wit;

To the Worshipfull Justices of Cecil County Court now in Court Sitting John Harford Montgomery and Mary his Wife Executrix of the Testament and last Will of William Turner late of the County and Province aforesaid Deceased Complain by Peregrine Letherbury their Attorney of Elihu Hall Junior late of Cecil County one of the Justices of this Court Present here in Court in his proper person of a plea that he hath not Rendered unto them the said John Harford Montgomery and Mary his wife four hundred pounds Lawfull Money of Maryland which to them he unjustly Detains and so forth for that, to wit, that whereas the afsd Elihu Hall Junr on the Twentieth day of April in the year seventeen hundred and seventy five at Cecil County afsd by his certain Writing Obligatory sealed with the seal of the said Elihu Hall Junr and and to the Court now here shewn the date whereof is the same day and Year aforesaid acknowledged himself to be held and firmly bound unto him the said William Turner in his lifetime in the aforesaid sum of four hundred pounds lawfull Money of Maryland to be paid to the said William Turner in his lifetime when after he should be thereunto Required Nevertheless the said Elihu Hall Junr (altho often thereto Required) the aforesaid sum of four hundred pounds Lawfull Money of Maryland to be said William Turner in his lifetime or to the said John Harford Montgomery & Mary his wife or to either of them after the Death of the said William Turner hath not paid but the same to the said William Turner in his life time or to the said John Harford Montgomery & Mary his Wife or either of them after the Death of the said William Turner hath altogether Denied to pay and yet doth deny to pay the same to the said John Harford Montgomery and Mary his Wife unjustly Detains in Delay of the faithfull and Due Execution of the Will of the said William Turner Dec'd and to the Damage of the said John Harford Montgomery & Mary his Wife three hundred pounds Current Money of Maryland and therefore they pray Remedy and so forth — And the said John Harford Montgomery & Mary his Wife Produces here in Court the Letters Testamentary of the said William Turner whereby it Sufficiently appears to the Court here that the said John Harford Montgomery & Mary his wife is the Executrix of the Testament & last will of the said William Turner and hath the Administration and so forth — Pledges &c John Doe & Richard Roe

And now here at this Day, to wit the monday before the second Tuesday of March in the year of our Lord seventeen hundred and eighty six comes as well the said John Harford Montgomery & Mary his wife Executrix as aforesaid by Peregrine Letherbury their Attorney as the said Elihu Hall Junr by Aquilla Hall his Attorney and the said Elihu Hall by his Attorney aforesaid Defends the force and Injury when and so forth & prays an hearing of the writing Obligatory afsd and the Condition thereof as also the Indorsement thereon and he hath them in the words and figures following to wit;