Leah Kirkman Admr. D.B.N. of William Emalls Hicks against Thomas Hicks

On the third day of September Anno Domini One thousand Seven hundred & Eighty seven, command was given to the Sheriff of Dorchester County that he should take Thomas Hicks late of Dorchester County Planter, if he should be found in his bailiwick and him safe keep so that he might have his Body before the Judges of the General Court to be held for the Eastern Shore of this State at Talbot County Court House the Second Tuesday of September then next to answer unto Levin Kirkman, Executor of the last will and Testament of William Emalls Hicks deceased of a plea that he render unto him the sum of Three hundred & fifty pounds in Gold or Silver Current Money of Maryland which from him the same Levin the same Thomas unjustly detains &c. And that thereof he the said Sheriff should not fail at his Peril & that he should have then and there that writ &c so forth — At which said Second Tuesday of September in the year One thousand Seven hundred & Eighty seven, being the day of the return of the aforesd writ, comes into Court the said Levin Kirkman Exor as aforesd by Gustavus Scott his Attorney, and the Sheriff of Dorchester County aforesd, to whom the said Writ was directed made return thereof to the Court here thus endorsed "Lepi so answers Thos. Lecheeman Shff" And the said Thomas Hicks by Nicholas Hammond his Attorney came here into Court, thereupon at the prayer of the said Levin Kirkman Exor as aforesd by his Attorney aforesd, it was ruled by the Court here that the said Thomas Hicks should give special Bail in the Plea aforesd: Whereupon a certain John Paddison of the County aforesd, came here before the Judges of our said Court in his Proper Person and became Pledge & Manucaptor for the said Thomas Hicks, that if it should happen that Judgement by the Court here for the said Plaintiff in the Plea aforesd against the said Defendant should be rendered then the said John Paddison granted that as well the Debt aforesd, as all such Damages, Costs and Charges which unto the said Levin Kirkman Exor aforesd in this part should by the Court be adjudged, of his Lands & Chattels should be made and to the use of the said Levin Kirkman levied, if it should happen that the said Thomas Hicks the said Debt & Damages Costs & Charges unto the said Levin Kirkman Exor aforesd should not pay, or his Body in execution of such Judgement to the Public Prison of Dorchester County aforesd by that occasion should not render. Thereupon the Process of and upon the Premises between the Parties aforesd was continued untill the second Tuesday of April then next following —

At which said second Tuesday of April, in the year Seventeen hundred & eighty eight

came again the Parties aforesd by their Attorneys aforesd, and the said Levin Kirkman Exor as aforesd by his said Attorney affiled his Declaration in the Plea aforesd which ensues in manner & form following. "Maryland Dorchester County fc. Thomas Hicks late of Dorchester County Planter was summoned to answer unto Levin Kirkman Executor of the last Will & Testament of William Emalls Hicks deceased of a plea that he render unto him the sum of three hundred and fifty pounds Gold or Silver Current Money of Maryland which from him the same Levin the same Thomas unjustly detains &c. And whereupon the same Levin by Gustavus Scott his Attorney saith that the same Thomas on the fourteenth day of June in the year one thousand Seven hundred eighty & seven at Dorchester County aforesaid by his Certain writing obligatory which the same Levin sealed with the Seal of the same Thomas here into Court sheweth, the date whereof is the same day and year aforesaid granted and acknowledged himself to be held and firmly bound unto the same William Emalls Hicks in his life time in the sum of three hundred and fifty pounds Current Money in Gold or Silver at its passing value, to be paid to the said William Emalls Hicks the Testator when ever afterwards he the same Thomas should be thereto required to the payment whereof well and faithfully to be made and done, he bound himself his Heirs Executors & Administrators firmly by the same Writing. Nevertheless the same Thomas tho' thereto often required the sum of money aforesaid or any part thereof unto the same William Emalls Hicks in his life time did not render or pay nor hath he rendered or paid the same to the same Levin the Executor but the same sum to the same William Emalls Hicks in his life time to render or pay he always did refuse and to the said Levin to render or pay the same since the death of the said William Emalls Hicks he allways hitherto hath refused and still doth refuse To the Damage of the same Levin five hundred pounds Current Money of Maryland. Whereupon he brings suit. And the aforesaid Levin brings here into Court the letters Testamentary of the aforesaid William Emalls Hicks the Testator by which it sufficiently appears to the Court here that he the said Levin is Executor of the sd Testament & thereof hath administration &c so forth.

Gust. Scott — Pledges &c. In Doc. R.d Ro." —

The writing obligatory mentioned in the above Declaration ensues in manner & form following. "Know all men by these presents that I Thomas Hicks of Dorchester County and State of Maryland am held & firmly bound unto William Emalls Hicks of the same County & State aforesaid in the just and full sum of three hundred & fifty pounds Current in Gold or Silver at its passing value to be paid unto the said William Emalls Hicks his certain Attorney Executors Administrators