from having and maintaining his Action afs^d, against the afs^d Syrus Mitchell, James Broughton and John Mitchell ought not to be precluded, because he said that the afs^d John Mitchell, the Testator, in his life time did not well and truly pay and discharge unto him, the same Anthony Stewart, the said sum of money mentioned in the aid Condition of the writing Obligatory afs^d, with the legal Interest thereon due, to wit on the day of at County, and this he prayed might be enquired of by the Country: And the afs^d Syrus Mitchell, James Broughton and John Mitchell, Executors as afs^d, in like manner &c^a. And the said Anthony Stewart as to the second Plea of the said Syrus Mitchell James Broughton and John Mitchell, said, that he by any thing above pretended in the plea afs^d, of the said Syrus Mitchell, James Broughton and John Mitchell ought not to be precluded from having or maintaining his said Action thereof against them, because he said, that the said Syrus Mitchell, James Broughton and John Mitchell, Executors as afs^d, at the day of the impetration of the original writ of him the said Anthony Stewart in this Cause, to wit on the twenty fifth day of May, seventeen hundred and eighty seven, had divers goods and chattels which were of the afs^d John Mitchell at the time of his death, in their hands to be administered, to the value of six hundred and ten pounds currency, and sufficient to pay and satisfy the demand of the said Anthony Stewart, and this he prayed may be enquired of by the Country &c^a; And the said Syrus Mitchell, James Broughton and John Mitchell, Executors as afs^d, in like manner &c^a: Therefore let a Jury thereon appear before the Judges of our General Court to be held for the Eastern Shore of Maryland, at Easton, in Talbot County, the second Tuesday in April next, by whom &c^a, who neither &c^a to recognize &c^a and because as well &c^a the same day was given to the parties to be there &c^a And now here at this day to wit, the second Tuesday in April seventeen hundred and ninety came the parties afs^d, by their Attorneys afs^d, and the said Syrus Mitchell, James Broughton and John Mitchell by their Attorney afs^d relinquish their averments by them in pleading above pretended and say that they cannot deny the said Action of the said Anthony Stewart, but that they had, at the day of the impetration of the original writ in this Cause, divers goods and chattels, to the value of the sum of money afs^d, of which usque of the afs^d John Mitchell, at the time of his death, in their

hands to be Administered, and sufficient to pay and satisfy the demand of the said Anthony Stewart, nor but that the same John Mitchell, at the time of his death did owe to the said Anthony Stewart the sum of six hundred and ten pounds, current money, as the said Anthony Stewart in his Declaration hath complained: Therefore it is considered by the Court here, that the said Anthony Stewart do recover against the said Syrus Mitchell, James Broughton and John Mitchell the debt afs^d in form afs^d acknowledged: And also the quantity of eight hundred and forty^two and four fifths 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 Anthony Stewart by the Court here with his assent adjudged &c^a: To be levied of the goods and chattels which were of the said John Mitchell in the hands of the said Syrus Mitchell, James Broughton and John Mitchell to be Administered being, if so much in their hands they have: and if so much thereof in their hands they have not, then the damages and costs afs^d to be levied of the proper goods and chattels of the said Syrus Mitchell, James Broughton and John Mitchell; and the said Syrus Mitchell, James Broughton and John Mitchell in mercy &c^a

James Earle Clk:

Judgment was confessed in this Action on the fifteenth day of April for the penalty and costs; to be released on payment of the principal, Interest and costs—payments, if any, to be allowed —

William Heath
against
Rizdon Bozman
and Isaac Bozman

Memorandum the Defendants sued out the State's writ of "Habeas corpus" the tenor whereof follows in these words to wit; The State of Maryland, to the Justices and Sheriff of Somerset County, greeting: whereas a certain Rizdon Bozman and Isaac Bozman are detained in the prison of our said County, under the custody of you our said Sheriff, at the suit of a certain William Heath of a plea of debt and so forth, which said plea, as it is said, still depends before you our said Justices, undetermined; and we being willing, for divers causes, that the plea afs^d, undetermined as afs^d, should be heard and determined before the Judges of our General Court; therefore we command you that you have the bodies of the said Rizdon Bozman and