And thereupon John & William Hitch, Administrators as afs. being called appear in Court by Benjamin Dashiell their Attorney, and defend the force and injury when &c. pray leave to imparle until the second Tuesday in September next, and they have it the same day is given to the said John Gale then &c. At which said second Tuesday of September Seventeen hundred and ninety eight, came again into Court the parties afs. by their Attorneys afs. And the said John Gale by his said Attorney, declares against the said John & William Hitch in the plea afs. as follows, to wit. Eastern Shore of Maryland Somerset County to wit John Hitch late of Somerset County Merchant planter, and William Hitch late of Somerset County planter were Administrators of all and singular the goods and chattels rights and credits which were of Joshua Hitch late of the said County deceased, at the time of his death were summoned to answer unto John Gale assignee of Levin Winder according to the act of Assembly in such case made and provided in a plea that they render unto him the sum of one hundred and seventy four pounds eight shillings and nine pence current money of Maryland which from him they unjustly detain &c. And whereupon the same John Gale by Thomas James Bullitt his Attorney says that the same Joshua Hitch in his lifetime to wit on the twenty second day of March in the year of our Lord Seventeen hundred and ninety four, at the County afs. by his certain writing obligatory sealed with his Seal in his lifetime and here into Court now brought, the date whereof is the same day and year afs. acknowledged himself to be held and firmly bound unto the said Levin Winder in the afs. sum of one hundred and seventy four pounds eight shillings and nine pence current money of Maryland to be paid to the said Levin Winder his Executors, Administrators or assigns, whenever after he the same Joshua Hitch should thereto be required; to the payment whereof well and truly to be made and done the said Joshua Hitch in his lifetime bound himself his Heirs Executors & Administrators firmly by the said writing obligatory as. And the same John Gale doth aver, that afterwards to wit, on the day of in the year of our Lord Seventeen hundred ninety and ninety, at the County afs. the said Joshua Hitch deceased no part of the sum of money afs. being paid or rendered, but the same being altogether due and unsatisfied altho' the said Joshua Hitch in his lifetime was often required to pay the same, and that afterwards after the death of the said Joshua Hitch Administration of all and singular the goods and Chattels rights and credits which were of the said Joshua Hitch at the time of his death, to the said John & William Hitch in due form of law was committed to wit, at the County afs. And the said John Gale doth further aver, that after the death of the said Joshua Hitch & after the commission of the Administration afs. in manner afs. to wit, on the day of February in the year of our Lord Seventeen hundred and ninety eight at the County afs. the afs. sum of money or any part thereof not being paid or satisfied the said Levin Winder by his certain writing under his hand and seal on the said writing obligatory endorsed, did assign the said writing obligatory and the said sum of money therein mentioned and thereon due to the said John Gale, his Executors Administrators and assigns to wit, at the County afs. according to the act of Assembly in such case made and provided, and did then and there make oath before John Done Esquire then and there being Chief Justice of the fourth District of Maryland duly commissioned & qualified that he the said Levin Winder

received no part of the money mentioned in the said writing obligatory at the time of making such assignment afs. according to the act of Assembly afs. which oath was at the same time at the County afs. endorsed on the said writing obligatory according to the act of Assembly afs. of all which the said John and William Hitch afterwards to wit, on the same day and year last afs. at the County afs. had notice, by reason whereof and also by force of the Act of Assembly in such case made and provided action hath accrued to the said John Gale to have and demand of them the said John & William Hitch the sum of money afs. Nevertheless the said John & William Hitch, or either of them, altho' thereto often requested the said sum of money afs. or any part thereof, unto the said John Gale afs. hath not rendered or paid, but the same Hitch and each of them hitherto altogether hath refused, and they still do refuse to pay the same, to the damage of the said John Gale three hundred pounds current money of Maryland; and therefore he brings this Suit &c. And the said John Gale brings here into Court the said writing of assignment under the hand and seal of the said Assignment to him the said John Gale in form afs., and the oath afs. in form afs. of the said the date of which assignment and oath is the same day and year in that respect before mentioned &c. Thos J Bullitt for the plff. pleads &c. Solomon & Scott & Rice

And thereupon on motion of the said John Gale by his Attorney afs. it is ruled by the Court here that the said John & William Hitch, Administrators as afs., answer to the Declaration in the plea afs. or Judgment will be rendered against them by default. And the said John & William Hitch by their Attorney afs. defend the force & injury when &c. and pray leave to imparle until the second Thursday in April next to answer the Declaration afs., and they have it, the same day is given to the said John Gale then &c. **And now here**, to wit, the second Thursday in April Seventeen hundred and ninety nine came again into Court the parties by their Attorneys afs. and the said John & William Hitch Administrators as afs. defend the force and injury when &c. and say that they cannot gainsay the action afs., nor can they deny that they owe to the said John Gale assignee as afs. the said sum of one hundred and seventy four pounds eight shillings and nine pence current money, in manner and form as the said John Gale above against them have complained. **Therefore** it is considered by the Court here, that the said John Gale recover against the said John & William Hitch, Administrators as afs. as well the said sum of one hundred and seventy four pounds eight shillings and nine pence current money his debt afs. in form afs. acknowledged, as also the quantity of six hundred and fifty four pounds of Tobacco, for his damages which he hath sustained, as well by reason of the detention of the said debt, as for his Costs & charges by him about his suit in this behalf expended, to be levied of the goods & Chattels which were of the said Joshua Hitch at the time of his death remaining in the hands of the said John & William Hitch Administrators as afs. to be administered, if so much thereof in their hands to be administered they have, and if so much thereof they have not, then the Costs and charges afs. to be made and levied of the proper goods & Chattels of the said John & William Hitch; and the said John & William Hitch in mercy &c.

James Earle Clerk

Judgment April the 4th 1799. for £[illegible] & Costs. To be released on the payment of principal Interest & Costs. Payments if any to be allowed. The above Judgment only to affect