Horatio and Mary are ready to verify: wherefore they pray Judgment, if the said Leonard his Action aforesaid against them to have or maintain ought &c

Thos. Jenings for Deft

And the said Leonard Swingle saith that he by any thing by the said Horatio Gates and Mary his Wife in their first plea alledged from having his Action aforesaid ought not to be precluded because he saith that the aforesaid Bartholomew in his life time did not pay unto the said Leonard on the said thirty first day of January in the Year of our Lord one thousand seven hundred and eighty six the aforesaid Sum of Two thousand six hundred and twenty five pounds current Money in the Condition aforesaid mentioned according to the form and effect of the said Condition as the aforesaid Horatio Gates and Mary his Wife above hath alledged and this he prays may be enquired of by the Country. And the aforesaid Horatio Gates and Mary his Wife in like manner and so forth.

And the said Leonard Swingle saith that he by any thing by the said Horatio Gates and Mary his Wife in their second plea alledged from having his Action aforesaid ought not to be precluded because he saith that before the Impetration of the original Writ in this Cause (to wit) on the sixth day of February in the year of our Lord one thousand seven hundred and Eighty six at Washington County aforesaid he the said Bartholomew Booth in his life time did not pay unto him the said Leonard the aforesaid Sum of Money in the Condition aforesaid mentioned according to the form and Effect of the Statute in such Case made and provided as the aforesaid Horatio Gates and Mary his Wife above hath alledged and this he prays may be enquired of by the Country and so forth. And the Defendants in like manner &c

And the said Leonard Swingle saith that he by any thing by the said Horatio Gates and Mary his Wife in their third plea alledged from having his Action aforesaid ought not to be precluded because he saith that they the said Horatio Gates and Mary his Wife before the impetration of the Original Writ in this cause to wit on the sixth day of February in the year of our Lord one thousand seven hundred and Eighty six at Washington County aforesaid did not pay unto the said Leonard Swingle the aforesaid sum of Money in the condition aforesaid mentioned according to the form and effect of the Statute in such case made and provided as the aforesaid Horatio Gates and Mary his Wife in their third plea above hath alledged and this he prays may be enquired of by the Country and so forth And the said Horatio Gates and Mary his Wife in like manner and so forth

And the said Leonard Swingle as to the fourth plea of the said Horatio Gates and Mary his Wife administratrix as aforesaid by them above

pleaded by way of Replication thereunto saith that he ought not to be precluded from having and maintaining his Action aforesaid by any thing in the last plea of the said Horatio Gates and Mary his Wife alledged because he saith that the said Horatio Gates and Mary his Wife at the time of the Impetration of the Writ aforesaid, in this Cause and since had in their hands unadministered Goods and Chattels Rights and Credits which were of the aforesaid Bartholomew Booth at the time of his death sufficient to have paid and satisfied the said Leonard Swingle his Debt aforesaid to wit at Washington County aforesaid And this he prays may be inquired of by the Country. And the said Horatio Gates and Mary his Wife in like manner &c

Whereupon this Cause standing ready for Trial Command is given to the Sheriff of Ann Arundell County that he cause to come before the Judges of our General Court here on the second tuesday of October next twelve &c by whom &c and who neither &c to recognize &c because as well &c the same day is given to the said parties then and there &c.

At which said second tuesday of October being the fourteenth day of the same Month Anno domini seventeen hundred and Eighty eight comes again as well the said Leonard Swingle by his Attornies aforesaid as the said Horatio Gates and Mary his Wife administratrix aforesaid by their Attornies aforesaid

Nevertheless the said Horatio Gates and Mary his Wife administratrix as aforesaid by Thomas Jenings their Attorney aforesaid relinquishing the Averiments aforesaid by them pretended say the said Leonard Swingle ought not to be precluded from having and maintaining his said Action against them because they say that they cannot deny but that the said Bartholomew Booth at the time of his death did owe to the said Leonard Swingle the sum of Five thousand two hundred and fifty pounds current Money as the said Leonard Swingle above thereof in his declaration hath complained

Therefore it is considered by the Judges here that the said Leonard Swingle recover against the said Horatio Gates and Mary his Wife administratrix as aforesaid as well the sum of Five thousand two hundred and fifty pounds current Money his Debt aforesaid as also the sum of Seven hundred and twenty pounds and four fifths of a pound of Tobacco by the Court here unto him on his Assent adjudged for his Costs and charges by him about his Suit in this behalf laid out and expended to be levied of the Goods and Chattles Rights and Credits of the said Bartholomew Booth at the time of his death and which shall hereafter come to the hands of the said Horatio Gates and Mary his Wife administratrix as aforesaid to be administered And the said Defendants in Mercy &c

Memorandum The Plaintiff releases the penalty on payment of the principal Interest and Costs of Suit payments if any to be allowed

Test John Quinn Clk

Agreement filed in this Cause 16th June 1789 and recorded in this book vide page 130