

mentioned by the name of John Bagby of Calvert County Planter did for himself his Heirs Ex^{rs} and Adm^{rs} Remise Acquitt and fully Discharge the Said Nicholas Scarfe by the name of Nicholas Scarfe of the Same County Carpenter his Heirs Ex^{rs} and Adm^{rs} of and from all manner of Actions Suits Accounts Debts and Demands which he the Said John [631] Bagby then had Against the Said Nicholas Scarfe his Heirs Adm^{rs} or Assigns or might have had or Should have ag^t the Said Nicholas his Heirs Ex^{rs} or Adm^{rs} as being a bondsman or Security for the due Admⁿ of the Estate of John Ford of the Said County deced and father to his then Wife Mary So that it might not hinder him from the Recovery of his Said fathers Negroes from other person or persons he the Said John Released as above from the begining of the World and for Ever all which the Said Dorothy is ready is ready [sic] to Verifye and therefore prays Judgment of the Said Mary her Action af^d Ag^t the Said Dorothy to have or mantain Ought without that the Said Dorothy will Verifye that the Said Nicholas Scarfe in the release af^d mentioned And Nicholas Scarfe who became bound with the Said Diana Ford and John Rose for the due Admⁿ of the Estate of the Said John Ford are one and the Same person and not others or diverse and that the Said John Bagby by Whose Means Instigation procurement the Action af^d is Commenced and who Inter-married with the Said Mary Ford and John Bagby in the Release af^d mentioned are one and the Same person and not other or diverse. And the Said Mary protesting that the Said Diana Ford was not Seized of any Lands nor possessed of any Goods or Chattles at the [sic] of the Executing of the Writeing Obligatory for the due Admⁿ of the deced John Fords Estate as af^d Save the Goods and Chattles which were of the Said John Ford at the Time of his Death protesting also that the Said John Rose and Nicholas Scarfe had not any Goods or Chattles Lands or Tenements to the Value of fifty Pounds Sterling at the time of the Sealing and Delivering the Admⁿ Bond af^d The Said Mary Saith That the plea of the af^d Dorothy above by Rejoinder pleaded and the Matter therein Contained are not Sufficient in Law to barr her the Said Mary from haveing her Action af^d to Which She hath no need nor by the Land is bound to answer and this She is ready to Verifye Wherefore for want of a Sufficient Rejoynder in this part the Same Mary prays Judgment and her Debt af^d togeather with her Damages by Occasion of Detaining the Same Debt to her to be Adjudged. And for Causes of Demurrer According to the forme of the Statutes Sheweth that the Def^{ts} rejoynder does not answer to the Replication of the Said Mary but is a Manifest Departure therefrom And also for that the Said Rejoynder is one Entire Rejoynder which yet Contains two Distinct Matters which require Seperate Issues (that is to Say) Whether the Said Diana John and Nicholas Obligors as af^d were able and Sufficient Security etc. And also whether Such release was made as in the Said Rejoynder is alledged w^{ch} are distinct Matters Independant one on the other and require Seperate Issues and both go to the Whole Action, also