may be enquired of by the Country and the aforesaid Edward in like manner. Nevertheless the aforesaid Edward Burgess by his attorney aforesaid relinquishing the averment aforesaid above by him pretended saith that he cannot deny the action aforesaid of the aforesaid Samuel Beall so as aforesaid against him brought nor but that the writing obligatory aforesaid is the dee d of him the said Edward nor but that he owes to the afore=said Samuel the aforesaid sum of five thousand three hundred and seventy six pounds fifteen shillings and eight pence specie in manner and form aforesaid so as the aforesaid Samuel above against him hath declared. therefore it is considered by the judges here that the said Samuel Beall recover against the said Edward Burgess as well the sum of five thousand three hundred and seventy six pounds fifteen shillings and eight pence specie his debt aforesaid as also the sum of eight hundred and thirty four pounds of tobacco by the court here unto the said Samuel on his assent adjudged as well for his damages sustained by reason of the detention of that debt as for his costs and charges by him about his suit in this behalf laid out and expended and the said defendant in Mercy &c.ta Memorandum, the plaintiff agrees to release the penalty on payment of principal Interest and cost of suit he also agrees to stay Execution untill the 10th of April next. The following agreement was made and signed at the time of rendering the judgment aforesaid —

Samuel Beall against Edward Burgess } the defendant in this cause makes claim of an allowance of four per cent for casks which he says ought not to have been charged to Richard Ponsonby at the time the bond in this suit was given to the plaintiff for the Ballance of tobacco due on Richard Ponson bys Bond to Norton and Beall dated twenty seventh day of October seventeen hundred and seventy eight the same having been included in Ponson bys said Bond as defendant alleges. It is agreed by the plaintiff that if in the opinion of Messrs. Robert Dick, Benjamin Sounds and William Holmes or any two of them after reasonable notice to Mr. Brooke Beall that the charge of four per cent for casks was added in Ponson bys said Bond they or any two of them may make an allowance of the same with Interest to the defendant that such discount as may be awarded by them or any two of them for the same by the tenth day of April next shall be allowed in part of this Judgment. Stay Exo.r untill the 10th Apr.l next.

A. Potts for plff.
J. T. Chase for Def.t } Oct.r 26th 1786.

afterwards to wit on the fifth day of May in the year seventeen hundred and eighty seven the aforesaid Edward Burgess produced the states writ of Error commanding the judgment aforesaid to be transmitted to the high court of appeals and the record thereof is here by transmitted accordingly —

In testimony that the aforegoing is a true copy from the record of proceedings of the General Court for the western shore of Maryland I have hereto set my hand and affixed the seal of office this 5th day of May 1787 —

Thomas B. Hodgkin Cl.