aforesaid, it is ruled by the Court here, that the said Thomas Maccubbin replied to the aforesaid of the aforesaid Thomas Johnson Beatty in the plea aforesaid, or Judgment by the Court here will be entered against him in default thereof: and the said Thomas Maccubbin by his attorney aforesaid, defends the force and injury when and so forth: and prays leave of the Court here to imparle until the second tuesday of October next, and then to answer to the declaration aforesaid of the aforesaid Thomas Johnson Beatty in the plea aforesaid, and to him it is granted, the same day is given to the aforesaid Thomas Johnson Beatty also. At which said second tuesday of October being the tenth day of the same month in the year of our lord one thousand seven hundred and ninety seven, to which said day the said Thomas Maccubbin had leave to imparle and then to answer to the declaration aforesaid of the aforesaid Thomas Johnson Beatty in the plea aforesaid, come again into the General Court here as well the aforesaid Thomas Johnson Beatty by his attorney aforesaid as the said Thomas Maccubbin by his attorney aforesaid, and the said Thomas Maccubbin by his attorney aforesaid as before defends the force and injury when and so forth, and saith that the said Thomas Johnson Beatty ought not to have his said action against him, because he says, that he the said Thomas well and truly paid to the said Thomas Johnson Beatty the said sum of one hundred and seventy seven pounds specie current money, to wit, upon the first day of June in the year of our lord one thousand seven hundred and ninety six, at Montgomery county aforesaid, and this he is ready to verify: wherefore he prays Judgment if the said Thomas Johnson Beatty ought to have his said action against him and so forth.

And the aforesaid Thomas Johnson Beatty by his attorney aforesaid saith, that he by any thing by the said Thomas Maccubbin above in pleading alledged from having or maintaining his action aforesaid against him ought not to be precluded, because he saith that the said Thomas Maccubbin did not pay unto him the aforesaid Thomas Johnson Beatty the aforesaid sum of one hundred and seventy seven pounds specie current money, to wit, upon the said first day of June in the year of our Lord one thousand seven hundred and ninety six, at Montgomery County aforesaid, in such manner and form as the said Thomas Maccubbin above by pleading hath alledged, and of this he prays may be enquired of by the Country, and the said Thomas Maccubbin in like manner and so forth. Therefore let a Jury thereon appear before the Court here, on the second tuesday of May next, by whom and so forth, and who neither and so forth, to recognize and so forth, because as well and so forth, the same day is given to the said parties there and there and so forth.

And now, at this day, to wit, the said second tuesday of may being the eighth day of the same month, in the year of our lord one thousand seven hundred and ninety eight, come again into the General Court here, as

well the aforesaid Thomas Johnson Beatty by his attorney aforesaid, as the said Thomas Maccubbin by his attorney aforesaid, Nevertheless the said Thomas Maccubbin by his attorney aforesaid relinquishing the averment aforesaid, above by him pretended, says, that he cannot deny the action aforesaid, of the aforesaid Thomas Johnson Beatty so as aforesaid against him brought, nor but that he owes to the aforesaid Thomas Johnson Beatty the aforesaid sum of one hundred and seventy seven pounds current money in such manner and form as the aforesaid Thomas Johnson Beatty above against him hath declared, nor but that the aforesaid Thomas Johnson Beatty hath sustained damage by reason of the detention of the debt aforesaid, to the sum of one hundred and fifty pounds current money in like manner and form as the aforesaid Thomas Johnson Beatty within against him hath complained, besides his costs and charges by him about his suit, in this behalf laid out and expended &c. And hereupon the aforesaid Thomas Johnson Beatty by his attorney aforesaid prays Judgment for his debt aforesaid so as aforesaid confessed together with his damages so as aforesaid acknowledged as also his costs and charges by him about his suit, in this behalf laid out and expended to him to be adjudged and so forth. Therefore it is considered, by the Court here that the aforesaid Thomas Johnson Beatty recover against the said Thomas Maccubbin as well the sum of one hundred and seventy seven pounds current money his debt aforesaid confessed, as also the sum of one hundred and fifty pounds current money his damages aforesaid acknowledged to be sustained by reason of the detention of that debt, as also the quantity of eight hundred and twenty nine pounds of tobacco, by the Court here unto the aforesaid Thomas Johnson Beatty on his absent adjudged for his costs and charges by him about his suit in this behalf laid out and expended, and the said Thomas Maccubbin in mercy and so forth.

Memorandum, Judgment rendered in this cause, on the tenth day of may in the year of our lord one thousand seven hundred and ninety eight, for one hundred and seventy seven pounds current money debt and one hundred and fifty pounds current money damages and costs of suit, and the Plaintiff agrees to release the aforesaid damages on payment of the interest on the debt aforesaid from the twelfth day of may one thousand seven hundred and ninety six, and the Plaintiff also agrees to stay execution until the first day of August next.

Test John Gwinn Clk

Afterwards, to wit, on the third day of august in the year of our Lord one thousand seven hundred & ninety eight, the said Thomas Maccubbin by his attorney aforesaid prayed the Writ of the State of Maryland of error, directed to the Judges of the General Court, in the words and figures following, to wit,

Maryland ss. The State of Maryland. To the honorable the Judges of the General court greeting: because in the record and process and also in the rendering of Judgment on a certain action brought by Thomas