Therefore it is considered by the Court here, that the said Dixon Slade and Elizabeth his Wife recover against the said Robert Morgan as well the sum of Five thousand pounds Sterling Money, their debt aforesaid (to be released upon the payment of the said sum of Seven hundred and sixteen pounds seventeen shillings and four pence Current Money, by the Jurors aforesaid in form aforesaid so found to be due, and Interest on the same from this seventeenth day of May one thousand eight hundred and three until paid) according to the form of the Act of Assembly in such case lately made and provided, as also the sum of Seventy three dollars Current Money, and the quantity of One thousand eight hundred and twenty two pounds of Tobacco by the Court here unto the said Dixon Slade and Elizabeth his Wife on their assent adjudged for their Costs and charges by them about their suit in this behalf laid out and expended; And the said Robert Morgan in Mercy &c.

Memorandum. Before the Jurors aforesaid withdrew from the Bar of the Court here, the said Robert Morgan by his Attornies aforesaid, files in Court here the following Bills of Exceptions, to wit.

No. 1. Dixon Slade & Wife vs. Robert Morgan

In the trial of this Cause the Defendant prayed the Opinion of the Court and their direction to the Jury that before the Defendant is bound to produce Evidence on his part to prove that he had fully accounted for the estate of Edward Morgan deceased in the replication mentioned, it was incumbent on the Plaintiff to prove that assets or personal property of the said Edward Morgan had come to the hands of the Defendant; But the Court were of Opinion that it was incumbent on the Defendant to support the Issues on his part by proving, that he had not assets to pay the Legacies for which this suit is brought or that he hath paid the same before the Plaintiff adduced any proof to shew that assets or personal property of the said Edward Morgan had come to the hands of the Defendant, To which Opinion of the Court the Defendant by his Counsel excepts and prays the Court to sign and seal this his Bill of Exceptions according to the Statute in such case made and provided, and which is accordingly done this sixteenth day of May in the year of our Lord one thousand eight hundred and three,

Jeremiah Townley Chase (seal)
John Done (seal)

No. 2. Dixon Slade & Wife vs. Robert Morgan — Debt.

And now at the Trial of this Cause before the Juryes aforesaid so as aforesaid Sworn to try the Issues aforesaid the Defendant by his Counsel offered in Evidence to the Jury that Edward Morgan the Testator resided in Hanford County having due to him at the time of his death which happened in the year 1775, about One thousand pounds from different persons which sum constituted at the time of his death the principal

part of his personal Estate and which sum was afterwards in the year 1799, paid to the said Defendant, his Executor, in depreciated Continental Currency whereby a large part of the said Edward Morgan's personal Estate was sunk and lost. The Defendant further offered in evidence to the said Jury that the Defendant as Executor had equally or nearly and proportionably so distributed the residue of the personal Estate among the different Legatees named in the Will of the said Testator, But the Court were of Opinion that the said Evidence was inadmissible and did refuse the same. To which Opinion of the Court the Defendant by his Counsel excepts and prays the Court to sign and seal this his Bill of Exceptions according to the Statute in such case made and provided and which is accordingly done this Sixteenth day of May in the year of our Lord one thousand eight hundred and three,

Jeremiah Townley Chase (seal)
John Done (seal)

And thereupon the said Robert Morgan by his Attornies aforesaid, prays an Appeal from the Judgment aforesaid so as aforesaid rendered, to the High Court of Appeals of the State of Maryland, and it is granted him; It is therefore ordered by the said Court here, that the Record and proceedings aforesaid, in the plea aforesaid, with all things thereunto relating, be transmitted to the said High Court of Appeals of the said State; and the same are transmitted to the said Court accordingly. Test. John Gwinn, Clk.

Maryland, sc. Thereby Certify, that the aforegoing is truly taken from the Record of proceedings of the General Court of the State of Maryland held for the Western Shore,

In Testimony whereof I hereunto subscribe my name, and affix the Seal of the said General Court, this nineteenth day of May, in the Year of our Lord one thousand eight hundred and three; And in the Twenty seventh Year of the Independence of the United States of America.

Seal of the General Court W.S.S.M.

John Gwinn, Clerk, Genl. Co. West. Shore, State of Md.

And at the said same day Robert Morgan by John Johnson and Zebulon Hollingsworth his Attornies aforesaid, as the said Dixon Slade and Elizabeth his Wife by Luther Martin and Aquila Hall their Attornies aforesaid came into the said Court of Appeals; And thereupon on motion of the said Dixon Slade and Elizabeth his Wife by their Attornies aforesaid, It was ruled by the said Court of Appeals that the said Robert Morgan assign the Errors in the Record of proceedings of the Judgment aforesaid, brought before the said Court for the correcting of Errors supposed to be therein, or Judgment by the said Court of Appeals would be entered against him in default thereof; whereupon the aforesaid Robert Morgan by his Attornies aforesaid prayed that a day might be given him for the assignment of Errors of and upon the Record of proceedings of the Judgment aforesaid until the second Monday of November next; and to him it was granted, the same day was given to the said Dixon Slade and Elizabeth his Wife also,

At which said second Monday of November, being the fourteenth day of the said month, in