Money devised to her as aforesaid on the death of the said Susanna together with the Interest thereon due as the said Dixon Slade and Elizabeth his Wife their Surrejoinder have also alledged: And the said Jurors upon their oath aforesaid, do further say, as to the last issue between the said parties within joined, that the said John W Wilson and Christopher Wilson Executors aforesaid have and on the day of the issuing forth the summons against them within mentioned of the said Dixon Slade and Elizabeth his Wife had, divers Goods and chattels which were of the said John Wilson within mentioned, at the time of his death, in their hands to be administered, to the value of the Debt within specified, wherewith they might have satisfied the said Dixon Slade and Elizabeth his Wife the said Debt, in manner and form as the said Dixon Slade and Elizabeth his Wife above in their said Replication by replying have alledged, and they find the sum of Seven hundred and sixteen pounds seventeen shillings and four pence current Money is really and justly due to the said Dixon Slade and Elizabeth his Wife upon the said writing obligatory.

Therefore it is considered by the court here, that the said Dixon Slade and Elizabeth his Wife recover against the said John W Wilson and Christopher Wilson Executors aforesaid 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 said Jurors in form aforesaid so found to be due, and Interest on the same from this nineteenth day of October one thousand eight hundred & three until paid) according to the Act of Assembly in such case made and provided, as also the quantity of Two thousand and nine hundred pounds of Tobacco, by the court now here unto the said Dixon Slade and Elizabeth his Wife for (their

their apent adjudged, for their damages which they have sustained, as well by reason of the detention of the said Debt, as for their costs and charges by them about their suit in this behalf, laid out and expended; to be levied of the goods and chattels which were of the said John Wilson at the time of his death remaining to be administered in the hands of the said John W Wilson and Christopher Wilson Executors as aforesaid, if so much thereof in their hands to be administered they have; and if so much thereof they have not, then the Debt damages costs and charges aforesaid to be levied of the proper Goods and chattels of the said John W Wilson and Christopher Wilson Executors aforesaid: And the said John W Wilson and Christopher Wilson Executors as aforesaid in mercy and so forth.

Memorandum. This Judgment subject to the final decision of the court of Appeals of the case of Dixon Slade and Elizabeth his Wife against Robert Morgan tried in the General court at May Term one thousand eight hundred and three: and Before the Jurors aforesaid withdrew from the Bar of the court here, the said John W Wilson and Christopher Wilson Executors aforesaid, by their Attornies aforesaid, file in court here the following Bile of Exceptions, to wit,

Dixon Slade and Wife, against John Wilsons Executors.

In the Trial of this cause the Plaintiffs in support of the Issues on their part offered in no evidence to the Jury of any assets that had come from John Wilson deceased to the hands or possession of the Defendants but contended and prayed the opinion of the court and their direction to the Jury that on the plene administravit it was not necessary for the Plaintiffs to shew that any assets had come to the hands or possession of the Defendants for that the plea was, unless the Defendants proved the contrary by the production of the Inventory or by other evidence an admission of assets to the amount of the Plaintiffs claim. Of which opinion was the court, who accordingly gave the opinion and direction as prayed being of opinion

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