any Creditor or Creditors should have any share of the Prisoners Effects And if the said Prisoners Effects should not be sufficient to Satisfy the Sheriffs their Imprisonment Fees that then the Said Prisoners or any of them should Satisfy and pay to the Sheriff the residue of their Imprisonment Fees Provided that the said Sheriffs should not Prosecute Detain or Imprison the said Prisoners or any of them within two Years after his or their releasment any thing in the said Act Contained to the Contrary notwithstanding And it was likewise by the said Act further Enacted That whatsoever Estate whether Reall or Personal any of the Prisoners aforesaid should Surrender or give up to any of the Sheriffs in whose Custody they were or should be at the time of their or any of their Discharge should by the Sheriff or Sheriffs in whose Custody such Prisoner or Prisoners should be in the Presence of one Magistrate of the Particular County where such Prisoner should be discharged be Exposed to Publick Sale and Sold to the highest Bidder and that after the same were done and the Sheriff or Sheriffs were paid or Secured to be paid their Fees as the residue should be Applyed to the Creditors of such Prisoner or Prisoners that should Apply therefore within Twenty days after the said Sale in equal Proportion to their Demands as by the said Act (amongst other things) more fully and at large appears And the said Robert Evans further saith that he the same Robert Evans within Ten days after the end of the said Session of Assembly to wit the third day of December in the Year of our Lord Seventeen hundred and forty two at Prince Georges County did deliver and surrender up to John Hepburn Esqr. then Sheriff of Prince Georges County aforesaid in the Presence of Nathaniel Wickham jun and Thomas Owen two of his Lordships Justices of the Peace for Prince Georges County aforesaid an Inventory of his the said Robert Evans's whole Real and Personal Estate either in Possession Reversion Remainder or in Trust or in or unto which he the same Robert Evans had any Claim or Interest whatsoever, and the said Robert Evans further saith that afterwards to wit on the Tenth Day of December in the Year of our Lord Seventeen hundred and forty two aforesaid he the said Robert Evans did Convey Assign Transfer and make over unto the said John Hepburn then Sheriff of Prince Georges County aforesaid for the Use of him the said Robert Evans (subject to all his Estate Interest or Claim as aforesaid And that at the time of his the said Robert Evans Surrendering and Transferring his Estate as aforesaid did take the Oath Prescribed in the said Act before the said Nathaniel Wickham jun. and Thomas Owens two of his Lordships Justices of the Peace for Prince Georges County aforesaid, And the said Robert Evans further saith that after the end of Twenty Days of the said Session of Assembly to wit on the said Tenth Day of December in the Year of our Lord Seventeen hundred and forty two aforesaid at Prince Georges County aforesaid the said John Hepburn then Sheriff of Prince Georges County aforesaid did discharge him the said Robert Evans out of the Custody of him the said John Hepburn and permit him the said Robert Evans to go at Large, And the said Robert Evans further saith that he the said Robert Evans and the said Robert Evans in the said Act of Assembly mentioned is one and the same Person and not others or diverse, And the said Robert Evans further saith that after the Surrendering up his Estate to the said John Hepburn then Sheriff of Prince Georges County aforesaid the same was afterwards to wit on the Twentieth Day of December in the Year of our Lord Seventeen hundred and forty two aforesaid at Prince Georges County aforesaid in the Presence of Thomas Owens one of the Justices of Prince Georges County aforesaid by the said Sheriff exposed to Publick Sale and Sold to the highest Bidder for the Use of the said Sheriff for Payment of his Fees and the residue to the Use of the Creditors of him the said Robert Evans or such of them as would Apply for the same within Twenty days after the (said)

said Sale in equal Proportions to their Demands, Reference being thereunto had may appear And this he is ready to Verify wherefore he prays Judgment if the said William Potts his Action aforesaid against him to have or maintain ought &c.

And the said William prays an hearing of a Proviso in the Act of Assembly mentioned in the Plea aforesaid which is read unto him in these Words. Provided always and Be it Enacted by the Authority aforesaid that notwithstanding the discharge of the said Prisoners or any of them all & every Debt or Debts due and Owing from him or them and all & every Judgment had or decreed Obtained against him or them shall stand and be good and effectual in Law to all Intents and Purposes against the Lands Tenements & Hereditaments Goods and Chattels of him or them which he or they or any other Person in Trust for the Use of him or them had at the time of the discharge of the said Prisoners or any of them or which he or they at any time hereafter shall or may be any way Seized or Possessed of or Interested in to his or their own Use or in his or their own proper Right either in Law or Equity (except the Wearing Apparel and Bedding or Working Tools of him or them not exceeding the Sum of Ten Pounds Current Money) And it shall and may be Lawfull for any of their Creditors, their Exrs Admrs and Assigns, to take out new Execution or Executions against the Lands Tenements or other Hereditaments Goods and Chattels of the said Prisoners or any of them. (except as before excepted) for the Satisfaction of his or their Debts in such sort manner and form as he or they might have done if the said Prisoners or any of them had not been taken in Execution or discharged by Virtue of this Act, Which being read and heard the said William saith that the Plea aforesaid in Barr Pleaded and the matter therein contained are not Sufficient in Law to Preclude him of his Action aforesaid and that he to that Plea hath no need nor by the Law of the Land is held to Answer and this he is ready to Verify wherefore for want of a sufficient Plea in this part the said William prays Judgment for his Debt aforesaid together with his Damages Sustained by Occasion of the detention of that Debt to him to be adjudged And the aforesaid Robert Evans saith that the Plea aforesaid by him the same Robert in manner & form aforesaid above Pleaded and the matter in the same contained are good and sufficient in the Law to have Precluded him the said William from his Action aforesaid thereof against him the said Robert which said Plea and the matter in the same contained the same Robert is ready to Verify &c. And because the aforesaid William hath not Answered to that Plea nor the same hitherto hath any way denied the same Robert as before prays Judgment and that the aforesaid William may be Precluded from having his Action aforesaid against him the said Robert

Whereupon all and singular the Premises being by the Court here seen heard fully understood and matters deliberation thereupon had, for that it seems to the Court here that the Plea aforesaid in Barr Pleaded and the matter therein contained are not Sufficient in Law to Preclude the said William Potts of his Action aforesaid

Therefore it is Considered by the Justices here that the said William Potts recover agt the said Robert Evans as well the Just Sum of One hundred Pounds Current Money of Maryland his Debt aforesaid as also the Sum of

66 2/3 Pounds of Tobacco by the Court here unto him on his aforesaid Adjudged as well for his Damages Sustained by means of Detaining 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.

Test. R Burle Clk