Mordecai afterwards to wit on the day of in the year seventeen hundred and and after afterwards at Prince George's County aforesaid was married) but the negro slave aforesaid afterwards to wit on the day of in the year last aforesaid at Prince George's County aforesaid to his own proper use and benefit converted and disposed in delay of the faithful administration of all and singular the goods and chattles rights and credits which were of the aforesaid Ruth at the time of her death wherefore the said Mordecai saith that he is the less and hath damage to the value of three hundred and fifty pounds sterling money aforesaid and therefore he brings suit and so forth and brings hereinto Court the Letters of Administration aforesaid of him the said Mordecai on the Estate of her the said Ruth which the Commission of the Administration aforesaid in form aforesaid testifyeth.

Pledges &c. John Doe & Richard Roe

And the aforesaid Robert Taylor by Thomas Johnson junior his attorney comes and defends the force and injury when and so forth and prays leave to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the thirteenth day of September Anno Domini 1763 come again the said parties Plaintiff and Defendant by their attorneys aforesaid and the said Defendant by his said attorney prays further leave to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the tenth day of April Anno Domini 1764 come again the said parties Plaintiff and Defendant by their attorneys aforesaid and the said Defendant by his said attorney prays further leave to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the eleventh day of September Anno Domini 1764 come again the said parties Plaintiff and Defendant by their attorneys aforesaid and the said Defendant by his said attorney prays further leave to imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the ninth day of April Anno Domini 1765 comes here again as well the said Mordecai Jacob administrator as aforesaid by his attorney aforesaid as the said Robert Taylor by his attorney aforesaid And the aforesaid Robert by his attorney aforesaid (as before) defends the force and injury when and so forth and saith that he is not guilty of the promises above on him imposed as the aforesaid Mordecai above against him hath complained and of this he puts himself upon the Country and so forth and the aforesaid Mordecai in like manner and so forth

And the said Robert by the leave of the Court here according to the form of the Statute in such case lately made and provided comes and further defends the force and injury when and so forth and saith that the

(aforesaid)

aforesaid Mordecai his action aforesaid thereof against him to have or maintain ought not because he saith that the original writ aforesaid of him the said Mordecai was issued on the day of seventeen hundred and and at before and that the cause of action upon which the aforesaid Mordecai against him the said Robert above hath complained did not accrue within three years next before the impetration of the original writ aforesaid and this he is ready to verify and so forth wherefore he prays Judgment if the aforesaid Mordecai his action aforesaid thereof against him the said Robert to have or maintain ought &c.

And as to the second plea of him the said Robert above pleaded he saith that he the said Mordecai by anything by the said Robert above in his said second plea alleged from having or maintaining his action aforesaid thereof against him the said Robert to be precluded ought not because he saith that the cause of action aforesaid whereupon he the said Mordecai above in manner aforesaid against him the said Robert complains within three years next before the impetration of the original writ aforesaid of him the said Mordecai accrued to wit on the day of in the year of our Lord one thousand seven hundred and at the County aforesaid in manner and form as he the said Mordecai above thereof against him the said Robert complains and this he prays may be enquired into by the Country and so forth and the said Robert in like manner and so forth

Whereupon he the said Robert Taylor by his attorney aforesaid offers himself ready for Trial against the said Mordecai Jacob Administrator as aforesaid in the plea aforesaid But the said Mordecai Jacob at the solemn day called comes not but makes Default nor doth he further prosecute his writ against the said Robert Taylor in the plea aforesaid

Therefore it is considered by the Justices here that the said Mordecai Jacob Administrator as aforesaid take nothing by his writ in the plea aforesaid But that he and his pledges of prosecuting to wit John Doe and Richard Roe be in mercy &c. And that the said Robert Taylor go thereof without day &c. And it is also considered that the said Robert Taylor recover against the said Mordecai Jacob the sum of pounds of Tobacco by the Court hereunto him on his Affront adjudged for his costs and charges by him about his defence in this behalf laid out and expended To be levied of the goods and chattles which were of the said Ruth Jacob at the time of her death in the hands of him the said Mordecai Jacob to administered if so much thereof in his hands he have But if so much thereof in his hands he have not then the same to be levied of the proper goods and chattles of the said Mordecai Jacob and that the said Robert Taylor have thereof his execution &c.

Test Reverdy Ghiselin Clk

Ff Prindowell Allen against Mary Smith } Memorandum The Defendant by John Hall her attorney sued out his Lordships writ of Habeas Corpus

336. Ff the tenor whereof follows in the words to wit

Maryland