the said State of Maryland by her attorney aforesaid it is ruled by the Court here that the said Dent Blakistone and John M. Goldsmith rejoin to the replication of the State of Maryland in the plea aforesaid and if the said Dent Blakistone and John M. Goldsmith do not rejoin to the replication of the said State of Maryland in the plea aforesaid Judgment will be rendered against them by default and the said Dent Blakistone and John M. Goldsmith by their said attorney defend the force and injury when and &c forth and pray leave of the Court here to imparle until the first Monday of March next to rejoin to the replication of the said State of Maryland in the plea aforesaid and they have it the same day is given to the said State of Maryland then and &c forth- At which said first Monday of March being the seventh day of the said month in the year of our Lord one thousand eight hundred and thirty six until which day the said Dent Blakistone and John M. Goldsmith had leave to imparle and then to rejoin to the replication of the said State of Maryland in the plea aforesaid come again into the County Court here as well the said State of Maryland by her attorney aforesaid as the said Dent Blakistone and John M. Goldsmith by their attorney aforesaid and the said Dent Blakistone and John M. Goldsmith by their said attorney as to the first plea of the said State of Maryland by replying pleaded as before say that the said State for anything therein alleged the action aforesaid thereof against them to have or maintain ought not because they say that the said Dent Blakistone as guardian to the said Ferdenand Blakistone did not receive a large sum of money to wit, the sum of one thousand dollars belonging to the said Ferdenand Blakistone as the said State above by replying hath alleged and of this they put themselves upon the country and the said State also and as to the second plea of the said State above by replying pleaded the said Dent Blakistone and John M. Goldsmith say that the said State for anything therein alleged the action aforesaid thereof against them to have or maintain ought not because they say that the original writ aforesaid of the said State in the plea aforesaid at the instance and for the use of the said Ferdenand Blakistone impetrated was not sued out and impetrated within five years next after the time of his arriving at full age of twenty one years and capable of living &c. and of this they put themselves upon the country and the said State also. And the said Dent Blakistone and John M. Goldsmith by their said attorney offer themselves ready for trial in the plea aforesaid thereupon the said State of Maryland by her said attorney suggests to the Court here that she cannot safely proceed now here to the trial of this cause and files in Court here the following affidavit to wit:-

State of Maryland at the Instance and for the use of Ferdenand Blakistone
vs
Dent Blakistone and John M. Goldsmith.-

Richard H. Miles appears and makes oath that he does not believe the plaintiff in the above cause can safely go to trial at this Term for want of testimony material, competent and proper in the said suit, and this deponent further saith that Nathaniel Blakistone late of Charles County is a material competent and proper witness for said plaintiff in the said cause as he is advised and believes to be true and he expects that the said Nathaniel will prove that the said Ferdenand arrived at the full age of twenty one years on or about the eighth day of February eighteen hundred and twenty nine and this deponent further saith due diligence hath been used to procure the attendance of said witness Nathaniel but the summons has been returned non est and this deponent further saith that he believes the said plaintiff will be able to procure the attendance of the said Nathaniel Blakistone at the next Term. April 6th 1838 Sworn to in open Court.- To Harris Clk

Therefore it is considered by the Court here that the said Dent Blakistone and John M. Goldsmith recover against the said State of Maryland the sum of one dollar and twenty cents for their costs and charges by them sustained about their defence in this behalf since the last continuance of the plea aforesaid- thereupon further proceeds of and upon the premises aforesaid between the parties aforesaid by order of the Court here thereon is further continued until the first Monday of August

next &c. At which said first Monday of August being the first day of the same month in the year of our Lord one thousand eight hundred and thirty six come again into the County Court here as well the said State of Maryland by her attorney aforesaid as the said John M. Goldsmith one of the said defendants by Gerard T. Leaucin and John M. Leaucin his attorneys and the said Dent Blakistone doth not come and hereupon the said State of Maryland by her said attorney suggests to the Court here that since the pleading of the said plea of the said Dent Blakistone and John M. Goldsmith by them by way of rejoinder above pleaded and before this day the said Dent Blakistone one of the parties defendant in the plea aforesaid departed this life and whom the said John M. Goldsmith hath survived- therefore let all further proceedings against the said Dent Blakistone cease whereupon for trying the issues aforesaid command is given to the Sheriff of the County aforesaid that he cause to come before the Court here immediately twelve &c. "by whom &c. and who neither &c. to recognize &c. because as well &c." and thereupon it is ordered by the Court here that twenty persons from the pannel of petit Jurors be drawn by ballot according to the act of Assembly in such case made and provided and thereupon the twenty persons being so drawn by ballot and written upon two lists one of which said lists is delivered to the counsel for the respective parties and the counsel for each of the said parties having stricken out four persons from the said lists thereupon the remaining twelve persons being called come to wit, William Floyd John C. Ashcom, John H. Bennett, James W. Williams Thomas Lohr Morris Shanks Thomas H. Gough Peter Gough Edmund Beard, Charles Morgan Benedict J. Fenwick and James C. Kilgour who being impannelled and sworn whereupon Thomas Lohr and Benedict J. Fenwick two of the Jurors impannelled and sworn in this cause not appearing- It is ordered by the Court with the consent of parties that John H. Bean and George Crane be substituted as Jurors in their room who being called come who to say the truth in the premises within contained together with the other Jurors aforesaid first impannelled and sworn being elected and impannelled and sworn- Thereupon on motion of the said John M. Goldsmith survivor as aforesaid by his attorneys aforesaid for leave to withdraw a Juror for the purpose of amending his pleadings aforesaid and it appearing to the Court here that the said pleadings are defective the said William Floyd one of the Jurors of the Jury within written from the pannel aforesaid is withdrawn by the Court here for the purpose of amending his pleadings aforesaid, and the rest of the Jurors of the said Jury are wholly discharged from giving any verdict of and upon the premises within written- and the said John M. Goldsmith survivor as aforesaid by his attorneys aforesaid prays leave of the Court here to withdraw his general rejoinder herein before set forth and it is granted him. whereupon the said John M. Goldsmith survivor as aforesaid by his attorneys aforesaid withdraws his rejoinder aforesaid herein before pleaded and saith that he will not further prosecute of and upon that plea- Therefore it is ordered by the Court here that the said State of Maryland recover against the said John M. Goldsmith survivor as aforesaid the sum of two dollars and sixty cents for her costs and charges by her sustained about her suit in this behalf up to the amendment by the said John M. Goldsmith survivor as aforesaid of the plea aforesaid and the said John M. Goldsmith says that the plea aforesaid by the said State of Maryland in manner and form above in replying pleaded and the matters therein contained are not sufficient in Law for the said State of Maryland to have or maintain her action aforesaid thereof against him the said John M. Goldsmith and that he to the plea aforesaid in manner and form aforesaid pleaded hath no necessity nor is he by the law of the land obliged in any manner to answer and this he the said John M. Goldsmith survivor as aforesaid is ready to verify wherefore for want of a sufficient replication in this behalf the said John M. Goldsmith survivor as aforesaid prays Judgment and that the said State of Maryland may be precluded from her action