to imparle until the first monday of May next, to rejoin, to the Replication of the said State of Maryland, in the plea aforesaid, and he hath it, the same day is given to the said State of Maryland, then &c. At which said first monday of May being the third day of the same month, in the year Eighteen hundred and thirteen until which day the said Thomas Wright has leave to imparle and then to rejoin to the Replication of the said State of Maryland, in the plea aforesaid, comes as well the said State of Maryland, as the said Thomas Wright, by their Attornies aforesaid, and the said Thomas Wright, by his Attornies aforesaid saith that the said State, by any thing in the Replication of the said State to the first plea of the said Thomas alledged, to have or maintain the action aforesaid ought not, because he says, that after the said Samuel T. Wright, in the Condition of the writing obligatory named, possessed himself of the goods and Chattels, rights and Credits which were of the said Clement Sewell, under and by virtue of the Order and process aforesaid, to wit, on the thirty first day of December, in the year seventeen hundred and ninety nine, the Orphans Court of Queen Anns County, revoked the Letters Testamentary to the said Cornelia Sewell, Executrix of Clement Sewell, before that time granted and Committed to the said Samuel T. Wright, in due form of Law, administration debonisnon, with the will annexed, of all and singular, the goods and Chattels, rights and Credits of the said Clement Sewell, at the time of his death, which were, by the said Cornelia Sewell, unadministered; and the said Thomas further says, that the goods and Chattels, rights and Credits of the said Clement Sewell, which the said Samuel T. Wright possessed himself of under, and by virtue of the order and process aforesaid, were of the goods and Chattels, rights and Credits of the said Clement Sewell, which were unadministered by the said Cornelia, and as such were assets by the said Samuel T. Wright to be administered, and this the said Thomas is ready to verify, wherefore, as before, he prays Judgment &c. and the said Thomas saith, that the Replication of the said State, to the second plea aforesaid, in manner and form aforesaid, by him the said Thomas, above pleaded, and the matters in the same contained, are good and sufficient in Law, to quash the said writ of the said State, which said plea so pleaded, and the matters in the same contained, he the said Thomas is ready to verify and prove, as the said Court shall direct and award; and because the said State hath not answered the said plea, nor hitherto in any manner denied the same, he the said Thomas, as before, prays Judgment of the said writ, and that the same may be quashed — and the said Thomas saith, that the demurrer of the said State, to the third plea aforesaid, in manner and form aforesaid, by him the said Thomas above pleaded, and the matters in the same contained, are good and sufficient in Law to quash the said writ of the said State, which said plea so pleaded, and the matters in the same contained, he the said Thomas is ready to verify and prove, as the said Court shall direct and award; and because the said State hath not answered the said plea, nor hitherto in any manner denied the same, he the said Thomas, as before, prays Judgment of the said writ, and that the same may be quashed — and the said Thomas, as to the replication of the said State to the fourth plea aforesaid, in manner and form aforesaid, by him the said Thomas above pleaded saith, that the said State, for any thing therein alledged, the action aforesaid thereof against him to have or maintain ought not, because he saith that the said State had a good cause of action on the said writing Obligatory, on the twenty ninth day of September, in the year Seventeen hundred and ninety eight, and might then have sued for the said debt, damages and Costs aforesaid, and that the debt, or thing in action in the said writing obligatory, and the Condition thereof mentioned, had been twelve years standing before the ijsuing of the original Writ of the said State in this cause, and this the said Thomas is ready to verify, wherefore, he prays Judgment if the said State ought to have or maintain the action aforesaid thereof against him, andsoforth, and the said State of Maryland, by William Carmichael, who for the said State prosecuteth, in this behalf saith, that the said State, by any thing contained in the rejoinder of the said Thomas above, by rejoinding pleaded to the first replication of the said State, to be precluded ought not, because that the said State saith, that under the Order of the Orphans Court of Queen Anns County aforesaid goods and Chattels, rights and Credits which were of the said Clement Sewell, at the time of his death, unadministered by the said Cornelia to a very large amount, to wit, to the amount of three thousand, five hundred pounds, were delivered over and came into the hands and possession of the said Samuel T. Wright, and altho the letters Testamentary of the said Cornelia, were afterwards, on the thirty first day of December seventeen hundred and ninety nine, revoked, and letters of administration debonisnon with the will annexed, was in due form of Law committed to the said Samuel T. Wright, there only remained in the hands and possession of the said Samuel T. Wright, at the time of granting the letters of administration, goods and Chattels, rights and Credits of the said Clement Sewell to a small amount, to wit, to the amount of five hundred pounds, and the rest of the goods and Chattels, rights and Credits which were of the said Clement Sewell, unadministered by the said Cornelia, and which were delivered over, and came into the hands and possession of the said Samuel T. Wright to a large amount, and more than sufficient to pay the Debt, Damages, Costs and Charges of the said State had been wasted, disposed of and misapplied and this the said State is ready to verify, wherefore, the said State prays Judgment andsoforth — and the said State of Maryland, by William Carmichael, who prosecuteth for the said State, in this behalf saith, that the said State

ought not to be precluded from having and maintaining its action against the said Thomas by any thing in his rejoinder above, by rejoining pleaded to the fourth replication of the said State, because the said Saith, that the debt or thing in action in the said writing Obligatory and the Condition thereof mentioned, and for the recovery of which, this action is prosecuted, had not been twelve years standing before the ijsuing of the original writ of the said State in this cause, and this the said State prays may be inquired of by the Country. But because the Court Court here are not advised to give this Judgment of and upon the premises, whereof the parties aforesaid have put themselves on the Judgment of the Court, day therefore is given to the parties aforesaid, before the Court here, on the third monday of October then next, to hear their Judgment of and upon those premises, because the Court now here are not yet &c. And thereupon on motion of the said State of Maryland, by William Carmichael, who for the said State prosecuteth in this behalf, it is ruled by the Court here that the said Thomas Wright rebut to the surrejoinder of the said State of Maryland in the plea aforesaid, and if the said Thomas Wright doth not rebut to the surrejoinder of the said State of Maryland, in the plea aforesaid Judgment will be rendered against him by default, and the said Thomas Wright, by his Attorney defends the force and injury when andsoforth — and prays leave of the Court here, to imparle until the said third monday of October next, to rebut to the surrejoinder of the said State of, in the plea aforesaid, and he hath it, the same day is given to the said State of Maryland then andsoforth — At which said third monday of October, being the Eighteenth day of the said month, in the year Eighteen hundred and thirteen, until which day the said Thomas Wright had leave to imparle, and then to rebut to the surrejoinder of the said State of Maryland in the plea aforesaid, comes as well the said State of Maryland as the said Thomas Wright, by their Attornies aforesaid, and the said Thomas Wright by his Attorney aforesaid saith, that the said State, by anything contained in the surrejoinder of the said State, to the first rejoinder of the said Thomas, the action aforesaid against him to have or maintain ought not, because he saith that under and by virtue of the order and process of the Orphans Courts of Queen Anns County aforesaid the goods and Chattels, rights and Credits which were of the said Clement Sewell at the time of his death unadministered by the said Cornelia Sewell to the amount of three thousand five hundred pounds were not delivered over and did not come into the hands and possession of the said Samuel, but that so much thereof as he the said Samuel did receive under and by virtue of the Order and process of the Orphans Court aforesaid remained in his hands and possession at the time of revoking the letters Testamentary of the said Cornelia, and granting to him in due form of Law, the aforesaid letters of administration debonisnon with the will annexed, which were insufficient to pay the Debt, damages and Costs of the said State, and were not wasted, disposed off, and misapplied in manner and form as the said State in its surrejoinder hath alledged, and of this the said Thomas puts himself upon the Country. — And hereupon the premises on the said second and third pleas by the said Thomas Wright also above set forth, being seen, and by the Court here now more fully understood, for that it seems to the Court here, that the said second and third pleas by the said Thomas Wright above pleaded and the matters therein contained, are insufficient in Law to bar, and precluded the said State of Maryland from having and maintaining its said action against him the said Thomas Wright and that the declaration and the matters therein contained are sufficient in Law for the said State of Maryland, to maintain its action aforesaid against the said Thomas Wright had as the said State of Maryland hath above alledged; Therefore it is considered by the Court here, that the said State of Maryland recover against the said Thomas Wright, the sum of fifteen thousand pounds Current money, the Debt aforesaid, as also, the sum of Eight Dollars by the Court here, unto the said State of Maryland, on its afore adjudged for its damages which it had sustained, as well by reason of the detention of the said debt, as for its Costs and Charges by it about its suit in this behalf laid out and expended; and the said Thomas Wright in mercy andsoforth — *Memorandum.* Judgment was rendered on the 16th day of November 1813, upon the Demurrer to the second and third pleas, for the plaintiffs, for the penalty of the bond and Costs. — And thereupon the said Thomas Wright, by his attorney aforesaid, prays that he may appeal from the Judgment aforesaid of the Court here, so as aforesaid rendered, to the High Court of Appeals, and to him the same is granted by the Court here &c. — *Whereupon,* as well to try the ijsues on the first and fourth pleas aforesaid, between the parties aforesaid, above joined, to be tried by the Country, as to inquire what damages the said State of Maryland hath sustained, by reason of the premises aforesaid, *Therefore,* let a Jury thereon come before the Court here, on the first monday of May next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid, there &c. — At which said first monday of May being the second day of the same month, in the year Eighteen hundred and fourteen, come again into Court here, as well the said State of Maryland, by its said Attorney, as the said Thomas Wright, by his said attorney, and the said Thomas Wright, by his said Attorney, offers himself ready for trial, in the plea aforesaid, thereupon the said State of Maryland, by its said attorney, suggests to the Court here, that the said State of Maryland cannot safely proceed now here, to the trial of this cause, because &c. — Therefore it is considered by the Court here, that the said Thomas recover against the said State of Maryland, the sum of seventy one Cents, and two thirds of a Cent, for his Costs and Charges by him sustained about his defence in this behalf, since the last Continuance of the plea aforesaid and thereupon, with the consent of the parties aforesaid, by their Attornies aforesaid, and by order of the Court here, further process of and