received the sum of four thousand six hundred and eighty nine dollars and eighty six cents, payable on the fifth day of April, in the year one thousand eight hundred and thirty nine. Nevertheless the aforesaid defendant the said sum of money above demanded, or any part thereof to the said John Leushwa, in his lifetime, or to the said plaintiffs, administrators of said John since his death, has not satisfied or paid; although so to do the said defendant afterwards, to wit, on the fifth day of April, in the year of our Lord one thousand eight hundred and thirty nine, and often afterwards at the County aforesaid, was requested; but the same or any part thereof to the said John Leushwa, in his life time or to the said plaintiffs, administrators as aforesaid, since his death, to render or to pay has altogether refused and still does refuse to pay the same to the said plaintiffs, administrators as aforesaid; Wherefore the said plaintiffs, as such administrators, say they are the worse and have damage to the value of three thousand dollars, current money of the United States, and so they bring suit &c. and here into Court the writing obligatory aforesaid, sealed with the seal of the said defendant, which the debt aforesaid witnesseth, &c. whose date is the day and year first aforesaid. And they also bring here into Court the letters of administration granted to the said plaintiffs whereby it sufficiently appears to the Court here that the said plaintiffs are administrators as aforesaid.

Joseph I. Merrick, I. Dixon Roman, D. Weisel, Attorneys for plaintiffs.

Oyer of the writing obligatory mentioned and referred to in the foregoing declaration, here follows, to wit:

$4689.86 — I promise to pay to John Leushwa, for value received the sum of four thousand six hundred and eighty nine dollars and eighty six cents, payable on the fifth day of April, eighteen hundred and thirty nine, as witness my hand this 26th day of March 1839.

Witness, John S. Leushwa. Benjamin Leushwa, (Seal)

And thereupon, on motion of the said John S. Leushwa and David Brewer, administrators as aforesaid by their attorneys aforesaid, it is ruled by the Court that the said Benjamin Leushwa answer to the declaration aforesaid, of the said John S. Leushwa and David Brewer, in the plea aforesaid, or Judgment of the Court here will be entered against him in default thereof.

And the said Benjamin Leushwa, by his attorney aforesaid, defends the force and injury when, &c. and saith that he cannot gainsay the action aforesaid of the said John S. Leushwa and David Brewer, nor can he deny but that he owes unto the said John S. Leushwa and Brewer, administrators as aforesaid, the aforesaid sum of four thousand six hundred and eighty nine dollars and eighty six cents, current money, in manner and form as the said John S. and David, administrators as aforesaid above against him have complained; Therefore it is considered by the Court here, that the said John S. Leushwa and David Brewer, administrators as aforesaid, recover against the said Benjamin Leushwa as well the said sum of four thousand six hundred and eighty nine dollars and eighty six cents, current money, their debt aforesaid, in form aforesaid acknowledged, as the sum of three thousand dollars for their damages, which they had sustained, as well by occasion of the said debt, as for their costs and charges by them about their suit in this behalf, expended, adjudged unto the said John S. Leushwa and David Brewer, administrators as aforesaid, by the Court here with their assent; and the said Benjamin Leushwa

in mercy, &c.

Memorandum. Judgment was confessed in this action on the 10th day of December 1847 for $4689.86 Debt, and $3.000. Damages and costs. The damages to be released on payment of the debt, with interest thereon from the 5th day of April 1839 till paid and costs of suit.

And thereupon, afterwards, to wit, on the eleventh day of November, in the year of our Lord one thousand eight hundred and forty eight, the said John S. Leushwa and David Brewer, administrators aforesaid, sued forth out the said Court here, of and upon the premises and judgment aforesaid, the writ of the State of Maryland of Scire facias, to the Sheriff of the County aforesaid directed, in the words following, to wit:

Washington County, to wit: The State of Maryland, to the Sheriff of Washington County Greeting. (Seal) Whereas at a County Court, begun and held at Hagerstown, in and for the County aforesaid, on the Third Monday of November, in the year of our Lord one thousand eight hundred and forty seven, a certain John S. Leushwa and David Brewer, administrators of all and singular the goods and chattels rights and credits which were of John Leushwa, late of said County, deceased, at the time of his death, by judgment of the same Court, recovered against a certain Benjamin Leushwa, late of Washington County yeoman, as well the sum of four thousand six hundred and eighty nine dollars and eighty six cents, current money, a certain debt as the sum of three thousand dollars, damages, which they had sustained as well by reason of the detention of said debt, as for their costs and charges by them about their suit in that behalf laid out and expended whereof the said Benjamin Leushwa is convict, as it appears on record: And whereas, the said Benjamin, since the rendition of the judgment aforesaid is deceased, to wit: at the County aforesaid who at the time of the rendition of the judgment aforesaid, was seized of divers lands and tenements in his demesne as of fee, and execution of that judgment yet remains to be made for the said John S. and David, administrators aforesaid, whereupon the said John S. and David, administrators aforesaid, have besought that a proper remedy be granted him in this behalf, and as it is right that those things which in the said Court are lawfully transacted and adjudged, should be carried into due and speedy execution. You are therefore hereby commanded, that by good and lawful men of your bailiwick, you give notice to the heirs at law of the said Benjamin, and also unto the terretenants of all the lands and tenements in your bailiwick being whereof the said Benjamin on the tenth day of December 1847, on which day the judgment aforesaid was rendered, or ever afterwards was seized, that they be and appear before the said County Court, to be held at the Court House, in Hagerstown in said County, on the fourth Monday of Nov. inst. to shew if they have or can say any thing for themselves, why the said John S. and David, administrators aforesaid ought not to have their execution for the debt, damages, costs and charges aforesaid, to be levied on those lands and tenements and paid to the said John S. and David, administrators as aforesaid, according to the force form and effect of the recovery aforesaid and further to do and receive what the said Court shall then and there consider concern-