Buchanan executrix as aforesaid had; to which said plea in manner and form aforesaid above pleaded, he the same Thomas Cockey Deye hath no necessity, nor is by the law of the land obliged, in any manner to answer; And this he is ready to verify: Wherefore for want of a sufficient plea in this behalf, the same Thomas Cockey Deye prays Judgment and his debt aforesaid, together with his damages by reason of the detention of that debt, to be adjudged to him and so forth.

And the said Sarah Buchanan executrix as aforesaid saith, that the plea aforesaid by her the said Sarah Buchanan executrix as aforesaid in manner and form aforesaid above pleaded, and the matter in the same contained, are good and sufficient in law to preclude him the said Thomas Cockey Deye from his action aforesaid thereof against her the said Sarah Buchanan executrix as aforesaid had; which said plea, and the matter therein contained, the same Sarah Buchanan executrix as aforesaid is ready to verify and prove, as the Court and so forth. And because the said Thomas Cockey Deye doth not answer to that plea, nor the same hitherto deny, the same Sarah Buchanan executrix as aforesaid, as before prays Judgment, and that the said Thomas Cockey Deye may be precluded from his action aforesaid thereof against her the said Sarah Buchanan executrix as aforesaid had, and so forth. But because the Court here are not yet advised to give their Judgment of and upon the premises, day therefore is given to the parties aforesaid, until the second tuesday in May next, to hear their Judgment of and upon those premises, because the Court here thereof not yet and so forth.

At which said second tuesday of May to wit, the thirteenth day of the same month Anno Domini one thousand seven hundred and eighty eight, comes again here into our General Court, as well the said Thomas Cockey Deye by his attorney aforesaid, as the said Sarah Buchanan executrix as aforesaid by her attorney aforesaid, But because the Court here are not yet advised to give their Judgment of and upon the premises, day therefore is further given to the parties aforesaid, until the second tuesday of October next to hear their Judgment of and upon those premises, because the Court now here thereof not yet and so forth.

At which said second tuesday of October court, the fourteenth day of the same month Anno Domini one thousand seven hundred and eighty eight, comes again here into our General Court, as well the said Thomas Cockey Deye by his attorney aforesaid, as the said Sarah Buchanan executrix as aforesaid by her attorney aforesaid. But because the Court here are not yet advised to give their Judgment of and upon the premises, day therefore is further given to the parties aforesaid, until the second tuesday in May next, to hear their Judgment of and upon those premises, because the Court now here thereof not yet and so forth. —

And now here on this day court, the said second tuesday of May being the twelfth day of the same month Anno Domini one thousand seven hundred and eighty nine, comes again here into our General Court, as well the said Thomas Cockey Deye by his attorney aforesaid, as the said Sarah Buchanan executrix as aforesaid by her attorney aforesaid. Nevertheless the said Sarah Buchanan executrix as aforesaid by her attorney aforesaid, relinquishing the averment above by her pretended, and saith that she cannot deny the action aforesaid, of the said

said Thomas Cockey Deye so as aforesaid against her brought, nor but, that she owes to the said Thomas Cockey Deye the sum of two thousand eight hundred and sixty pounds seventeen shillings and ten pence current money of Maryland aforesaid, in such manner and form as the said Thomas Cockey Deye heretofore against her hath declared.

Therefore it is considered by the Court here, that the said Thomas Cockey Deye recover against the said Sarah Buchanan executrix as aforesaid, as well the sum of two thousand eight hundred and sixty pounds seventeen shillings and ten pence current money of Maryland his debt aforesaid, in form aforesaid confessed, as also the quantity of six hundred and sixty seven pounds and two fifths of a pound of tobacco, unto him on his absent adjudged, for his costs and charges by him about his suit in this behalf, laid out and expended, to be levied of the goods and chattels, rights and credits of the said Archibald Buchanan at the time of his death, and which shall hereafter come to the hands of the said Sarah Buchanan executrix as aforesaid to be administered, And the said Sarah Buchanan executrix as aforesaid in mercy and so forth.

Memorandum, The Parties aforesaid by their attorneys aforesaid file in Court here the following Terms of Judgment to wit.

Thomas Cockey Deye
against
Sarah Buchanan Ex. of
Archibald Buchanan

Debt. General Court, May Term 1789.

Judgment when assets, It is agreed that this Judgment shall bind present and future assets as they arise which are not subject to the payment of debts of a superior nature or debts of equal nature for which Judgments have always been obtained against the said executrix.

J. Toy. Chase. Luther Martin for Def.

Memorandum, Judgment was rendered in this cause on the tenth day of June Anno Domini one thousand seven hundred and eighty nine,

Test. John Irvinn Clk.

Thomas Cockey Deye
against
Nicholas Rogers & wife
neice and heiress of
Archibald Buchanan.

Be it remembered that heretofore to wit on the seventeenth day of September Anno Domini one thousand seven hundred and eighty five, Thomas Cockey Deye by Jeremiah Townley Chase his attorney sued out of our General Court, the State of Maryland's writ of Capias ad respondendum directed to the sheriff of Baltimore county in the words and figures following to wit.

The State of Maryland Sct. To the sheriff of Baltimore county Greeting, We command you that you take Nicholas Rogers late of Baltimore county gentleman and Eliana his wife neice and heiress of Archibald Buchanan late of the county aforesaid deceased otherwise called Archibald Buchanan of the county aforesaid, if they shall be found in your bailiwick, and them safe keep, so that you have their bodies before the Judges of our General Court, to be held at the city of Annapolis on the second tuesday of October next, to answer unto Thomas Cockey Deye of a plea, that they render unto him the sum