again as well the said William Blake by his Attorney aforesaid as the said Josiah Carter Executor aforesaid by his Attorney aforesaid.

And the said Josiah Carter Executor aforesaid by his Attorney aforesaid as before defends the force and injury when and so forth and saith that the said William his Action aforesaid thereof against him to have or maintain ought not because he saith that he the said Josiah never was Executor of the Testament and last Will of the said David nor any Goods or Chattles which were of the said David at the time of his death as Executor of the Testament and last Will of the aforesaid David after the Death of him the said David ever did Administer and this he is ready to verify. wherefore he prays Judgment whether the said William his Action thereof aforesaid against him to have or maintain ought and so forth.

And the said Josiah Carter prays that the said William Blake may answer his plea aforesaid above pleaded Thereupon it is ruled by the Court here that the said William Blake reply to the plea of the aforesaid Josiah Carter above set forth by the twentieth day of February next — Whereupon this cause is continued until next Court.

At which said next Court Court the twelfth day of May Anno Domini seventeen hundred and eighty nine comes again as well the aforesaid William Blake by his Attorney aforesaid as the aforesaid Josiah Carter by his Attorney aforesaid - And the aforesaid William Blake says that he ought not to be precluded from having and maintaining his Action aforesaid by reason of any thing by the aforesaid Josiah in his aforesaid plea pleaded because he saith that the aforesaid Josiah diverse Goods and Chattles which were of the said Benfield at the time of his decease after the death of the said Benfield as Executor of the last Will and Testament of the said Benfield at the County aforesaid did Administer and this he prays may be enquired of by the Country And the aforesaid Josiah Carter in like manner and so forth. Whereupon this cause standing ready for tryal Command was given to the Sheriff of Ann Arundel County that he cause to come before the Judges of our General Court here on the second tuesday of October next twelve &c. by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the said parties then and there &c.

And now here at this day to wit the said second tuesday of October next being the thirteenth day of the same Month Anno Domini Seventeen hundred and eighty nine comes again as well the aforesaid William Blake by his Attorney as the aforesaid Josiah Carter by his Attorney aforesaid but our said Sheriff hath not sent his Writ. Whereupon

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the aforesaid William Blake by his Attorney aforesaid prays leave of the Court here to amend his Writ and procedings aforesaid (according to the form of the Act of Assembly in such cases made and provided) in the plea aforesaid by inserting the name of Hannah his Wife (to the name of Josiah Carter) Executrix of the Testament and last Will of the aforesaid David Benfield and to continue the same suit against the said Josiah Carter and Hannah his Wife Executrix above mentioned and it is granted him.

Nevertheless the said Josiah Carter and Hannah his Wife Executrix aforesaid by their Attorney aforesaid relinquishing the averment above by them pretended say that they cannot deny the Action aforesaid of the aforesaid William Blake so as aforesaid against them brought nor but that the said William Blake has sustained damage by reason of the Non performance of the Covenants aforesaid in the declaration of the said William Blake aforesaid mentioned to the sum of two hundred and ninety seven pounds two Shillings and eleven pence Current Money and no more And because the said William Blake does not gainsay but that the Allegation aforesaid is true he prays Judgment and the damages above acknowledged together with his Costs and charges to him to be adjudged and so forth.

Therefore it is considered by the Judges here that the said William Blake recover against the said Josiah Blake and Hannah his Wife Executrix aforesaid as well the sum of Two hundred and ninety seven pounds two Shillings and eleven pence Current Money his damages aforesaid in form aforesaid confessed As Also the sum of Six hundred and eighty five pounds and four fifths of a pound of Tobacco by the Court here ients him or his agent adjudged for his Costs and charges by him about his suit in this behalf laid out and expended of the Goods and Chattles which were of the aforesaid David Benfield at the time of his Death in the hands of them the said Josiah Carter and Hannah his Wife Executrix as aforesaid to be Administered if they have so much in their hands and if they have not so much in their hands to be Administered then the Costs and charges aforesaid to be levied of the proper Goods and Chattles of the said Josiah Carter and Hannah his Wife and the same Josiah Carter and Hannah his Wife in Mercy &c.

Memorandum the Plaintiff agrees to stay Execution until the first day of January seventeen hundred and Ninety.

Test. John Gwinn Clk