Ought not because they say that they the said John Sterrett and Company at the time of laying the attachment in their hands had no goods chattels &c. and this they are ready to verify and therefore they pray Judgment whether the aforesaid Charles Wallace, Joshua Johnson and John Muir condemnation of the money and tobacco on the attachment aforesaid and the return thereof specified as of the Goods Chattels &c. of the said Benjamin Eyre in the hands of them the said Benjamin Eyre in the hands of them the said John Sterrett and Company for the use of them the said Charles Wallace Joshua Johnson and John Muir to have ought and so forth.

And the said Charles Wallace, Joshua Johnson and John Muir say that they by any thing alledged by the said John Sterrett and Company from having condemnation of the money and tobacco in the hands of the said John Sterrett and Company on the day and making the said Attachment in their hands had to the value of the sums in the writ of attachment aforesaid specified of the Goods Chattels and effects of the said Benjamin Eyre in their hands to wit at Baltimore County aforesaid and this they pray may be inquired of by the Country and the said John Sterrett and Company in like manner &c.

Whereupon this cause standing ready for Trial Command is 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.

At which said second Tuesday of October being the fourteenth day of the same month Anno Domini seventeen hundred and Eighty eight come again as well the aforesaid Charles Wallace Joshua Johnson and John Muir by their attornies aforesaid as the aforesaid John Sterrett and Company by their attorney aforesaid Whereupon for especial reasons to the court here shewn and with consent of parties by their attorneys aforesaid the process continued between the parties aforesaid in the plea aforesaid by the Jury being put thereon in respite here until the second tuesday of May next.

At which said second Tuesday of May being the twelfth day of the same month Anno domini seventeen hundred and Eighty nine come again as well the aforesaid Charles Wallace, Joshua Johnson and John Muir by their attornies aforesaid as the aforesaid John Sterrett and Company by their attorney aforesaid Whereupon for especial reasons to the Court here further shewn and with consent of parties by their attornies aforesaid the process continued between the parties aforesaid in the plea aforesaid by the Jury being put thereon in respite until the second Tuesday of October next here &c.

At which said second Tuesday of October being the thirteenth day of the same month Anno Domini seventeen hundred and Eighty nine come again as well the aforesaid Charles Wallace, Joshua Johnson and John Muir by their attorneys aforesaid as the aforesaid John Sterrett and Company by their attorney aforesaid.

Nevertheless the aforesaid John Sterrett and Company by Robert Smith their attorney aforesaid relinquishing the averment above by them pretended say that they cannot deny but that they have in their hands and posession of the Goods and Chattels rights and credits of the said Benjamin Eyre to the sum of Eight hundred and fifty three pounds and ten pence Sterling money.

Whereupon it is agreed upon by the aforesaid parties plaintiffs and defendants by and with the consent of their attornies aforesaid to receive the opinion and Judgment of the Court on the following Case stated to wit.

Charles Wallace, Joshua Johnson and John Muir against John Sterrett & Company

It is agreed that a certain Benjamin Eyre of London in the Kingdom of Great Britain on the day of was indebted to the Plaintiffs Citizens of this State in the sum of Sterling money and that for the recovery thereof they prosecuted a suit in this court against the said Benjamin Eyre and at Term obtained a Judgment for an attachment against the said Benjamin Eyre for the said sum of

It is further agreed that the Plaintiffs afterwards prosecuted and