and held entirely as void, and that he the said William Barton Smoot may be restored to all that he has lost by occasion of the said Judgment and that the said Alexander Henderson, Robert Fergusson and John Gibson may rejoin to the errors aforesaid, &c. And the said Alexander Henderson, Robert Fergusson and John Gibson by their attornies aforesaid, says, there is no error in the record and proceedings aforesaid, or in the rendition of the Judgment aforesaid, and prays likewise that the Court here may proceed to the examination as well of the record and proceedings aforesaid, as of the matters aforesaid by the William Barton Smoot above for errors assigned, and that the said Judgment may be in all things affirmed, &c. but because the Court here are not advised to give their Judgment of and upon the premises, day therefore is given to the parties aforesaid before the Court here until the second Tuesday of May next to hear their Judgment of and upon the premises, because the Court now here thereof are not yet advised &c.

And now at this day, to wit, the second Tuesday of May being the fourteenth day of the said Month in the year of our Lord one thousand seven hundred and ninety three, come again into the General Court here, the Parties aforesaid, by their attornies aforesaid. Whereupon, as well the record and proceedings aforesaid, and the Judgment given in form aforesaid, as the matters aforesaid by the said William Barton Smoot above for errors assigned being seen and fully understood by the Court here, and mature deliberation thereupon had, for it appears to the Court here, that there is no error either in the record and proceedings aforesaid, or in giving Judgment aforesaid: therefore it is considered by the Court here, that the Judgment aforesaid given in form aforesaid, be in all things affirmed, and stand in full force and effect, the said causes for error above assigned and alledged in any wise notwithstanding. And it is further considered by the Court here, that the said Alexander Henderson, Robert Fergusson and John Gibson have execution against the said William Barton Smoot as well for the debt, Damages, costs and charges aforesaid, as adjudged unto them in the said County Court of Charles as also the quantity of seven hundred and sixty pounds of Tobacco adjudged unto the said Alexander Henderson, Robert Fergusson and John Gibson by the Court here for his Damages, costs and charges, which he hath sustained by occasion of the delay of the execution



execution of the Judgment aforesaid, by the pretence of the prosecution of the said writ of the said State for the correcting of errors the said William Barton Smoot of and upon the premises as aforesaid prosecuted;

Memorandum, Judgment affirmed in this cause on the seventeenth day of May in the year of our Lord one thousand seven hundred and ninety three, for the sum of one hundred pounds current money and three hundred and thirty four pounds and four fifths of a pound of Tobacco cost and costs, to be released on payment seventy five pounds current money with Interest thereon from the thirtieth day of July in the year of our lord one thousand seven hundred and eighty nine, and costs. Stay execution first day of August next.

Test. John Gwinn Clk.

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William Barton Smoot
Thomas Smoot and
Matthew Smoot
against
Alexander Henderson
Robert Fergusson and
John Gibson

Be it remembered, that heretofore, to wit, on the twentieth day of January in the year of our Lord one thousand seven hundred and ninety two, the said William Barton Smoot, Thomas Smoot and Matthew Smoot by Thomas D. Merrick their attorney, prosecuted and sued out of the High Court of Chancery of the State of Maryland the writ of the State of Maryland of error, directed to the honourable the Chief Justice and associate Justices of Charles County Court, in the words and of the tenor following, to wit. — Maryland ss. The State of Maryland to the Worshipful the Justices of Charles County Court — Greeting because in the Record and process and also in the confessing of Judgment on a certain supersedeas on an action brought by Alexander Henderson, Robert Fergusson and John Gibson against William Barton Smoot, of Thomas for the sum of one hundred pounds Current money Debt and three hundred and thirty four and four fifths pounds of Tobacco costs of suit on which said action Judgment was obtained at a County Court held before you our said Justices at Charles County, And whereas the said William Barton Smoot of Thomas, together with Thomas Smoot and Matthew Smoot on the twentieth day of June last at Charles County before John Dent and Benjamin Contee two Justices of the peace for the County aforesaid did confess Judgment for the Debt and costs of suit adjudged as aforesaid against the said William Barton Smoot of Thomas which Judgment so confessed was returned to the Clerk of Charles County Court and there entered of Record and became on the confession and Judgment aforesaid