are rightly done & transacted, should be brought to due execution. Do therefore command you that by good and lawful men of your bailiwick you make known unto the said Ralph Briscoe and Sarah his wife that they be and appear before the judges of our said general court to be held at the city of Williamsburg on the second Tuesday of October next, to shew cause if any they have or know why the said James Smith ought not to have his execution against them the said Ralph Briscoe and Sarah his wife for the debt damages and costs aforesaid of the goods & chattels which belonged to the said Lindsay Delashmutt at the time of his death in their hands to be administered according to the form & effect of the recovery aforesaid if they shall gain sent and further to do & receive what the judges aforesaid shall then & there consider concerning them in this behalf: and have you then & there the names of those by whom you shall make the same known unto them & this writ. Witness the honorable Samuel Chase Esquire chief judge of our said court the thirty first day of May anno Domini Seventeen hundred and ninety four.

Issued the 1st day of September 1794 Jno Gwinn Clk.

J.D.

At which said second Tuesday of October being the fourteenth day of the same month in the year of our Lord one thousand seven hundred and ninety four and the day of the return of the aforegoing writ comes into the general court here the said James Smith by his attorney aforesaid and the sheriff of Frederick county to whom the said writ was in form aforesaid directed makes return thereof to the court here thus endorsed to wit.

Scire feci Tobias Butler Sheriff

and the said Ralph Briscoe & Sarah Executrix of Lindsay Delashmutt by John Thomson their attorney appears in court here and defend the force and injury when and forsooth and pray leave of the court here to imparle until the second Tuesday of May next and to them it is granted the same day is given to the said James Smith also.

At which said second Tuesday of May being the twelfth day of the same month in the year of our Lord one thousand seven hundred and ninety five come again here the parties aforesaid by their attorneys aforesaid. and thereupon on motion of the said James Smith by his attorney aforesaid it is ruled by the court here that the said Ralph Briscoe & Sarah Executrix as aforesaid answer to the Scire facias aforesaid or judgment by the court will be rendered against them in default hereof. and the said Ralph Briscoe & Sarah Executrix as aforesaid by their attorney aforesaid defend

(the)

the force and injury when and forsooth and pray leave of the court here to imparle until the second Tuesday of October next, and then to answer to the Scire facias aforesaid: and to them it is granted. the same day is given to the said James Smith also.

At which said second Tuesday of October being the thirteenth day of the same month in the year of our Lord one thousand seven hundred and ninety five come here again the parties aforesaid by their attorneys aforesaid: and the said Ralph and Sarah by their attorney aforesaid come and defend the force and injury when &c and say that the said James his execution against them for the said sum of Eighty eight pounds thirteen shillings and three pence current money debt and fifty pounds current money and the quantity of eight hundred and eighty seven pounds of Tobacco costs and charges: ought not to have because they say that they after the recovery of the judgment aforesaid in the writ of Scire facias aforesaid above mentioned and before the imperlisation of the said writ of Scire facias to wit on the first day of August in the year seventeen hundred and ninety four paid to the said James the aforesaid debt costs and charges in discharge and satisfaction of the judgment to wit in the county aforesaid which same debt costs and charges the said James then and there received and accepted in full satisfaction and discharge of the judgment aforesaid and this they are ready to verify. wherefore they pray judgment of the said James his execution against them, of the aforesaid debt, costs and charges to have ought &c and the said James Smith says that he by any thing by the said Ralph Briscoe and now Executrix as aforesaid in their plea above alledged from having his execution against them for the debt, damages, costs and charges aforesaid in the writ of scire facias above mentioned to be precluded or delayed ought not because protesting that the said James Smith did not receive of them the said Ralph Briscoe & Sarah the said sum of Eighty eight pounds thirteen shillings and three pence current money and the quantity of Eight hundred and Eighty seven pounds of Tobacco in full satisfaction and discharge of the judgment aforesaid in the said writ of Scire facias above mentioned, as the said Ralph Briscoe and now Executrix as aforesaid by their said plea alledged. and this the said James Smith prays may be enquired of by the country and the said defendants in like manner &c.

Therefore let a jury thereon appear before the court here on the second Tuesday of May next by whom &c and who neither &c to recognize &c because as well &c the same day is given to the parties aforesaid there and there &c.

(And)