alledged: And this he prays may be enquired of by the Country and the said William Thomas and Margaret Dyer thereof likewise and soforth. Therefore let a Jury thereupon appear before the Court here on the second Tuesday of October next by whom &c. and who neither &c to recognize &c. because as well &c. the same day is given to the parties aforesaid then and there &c. At which said second Tuesday of October being the 15th day of the said Month in the year of our Lord one thousand seven hundred and ninety five come again into the General Court here the parties aforesaid by their attornies aforesaid; Whereupon on motion of the said William Thomas and Margaret Dyer administrators aforesaid by their attornies aforesaid the issue aforesaid in form aforesaid by the said William Thomas and Margaret Dyer administrators aforesaid above joined is struck out and the replication by them in form aforesaid replied to the plea of the said Thomas Beatty is withdrawn and the said William Thomas and Margaret Dyer administrators aforesaid by their attornies aforesaid say that the said plea above pleaded aforesaid by the said Thomas Beatty in manner and form aforesaid and the matters in the same contained are not sufficient in Law to preclude them the said Margaret Dyer and William Thomas from having and maintaining their action aforesaid thereof against him the said Thomas Beatty to which said plea in manner and form aforesaid above pleaded they the said Margaret Dyer and William Thomas administrators aforesaid have no necessity nor are by the Law of the Land obliged in any manner to answer and this they are ready to verify wherefore for want of a sufficient plea in this behalf the said Margaret Dyer and William Thomas pray judgment and their damages aforesaid to be adjudged to them and soforth, Whereupon the said Thomas Beatty by his attorney aforesaid saith that the said ~~[illegible]~~ plea above by him as aforesaid in the manner and form aforesaid pleaded and the matters in the same contained are good and sufficient in Law to preclude them the said Margaret Dyer and William Thomas administrators from having or maintaining their action aforesaid thereof against him the said Thomas Beatty which said plea and the matters therein contained the said Thomas Beatty is ready to verify and prove, as the Court &c. And because they the said Margaret Dyer and William Thomas do not answer to that plea nor the same hitherto deny, the said Thomas Beatty as before, prays Judgment and that the said Margaret Dyer and William Thomas may be precluded from having or maintaining their action aforesaid

aforesaid thereof against him the said Thomas Beatty &c.

And because the Court here are not advised to give their judgment of and upon the premises aforesaid day therefore is given to the said Parties to hear their judgment untill the second Tuesday of May next for that the Court here are not &c.

And now here at this day to wit, the said second Tuesday of May being the tenth day of the same month in the year of our Lord one thousand seven hundred and ninety six come again into the General Court here the parties aforesaid by their attorneys aforesaid and the said William Thomas and Margaret Dyer administrators as aforesaid by their attornies aforesaid say that they cannot deny but that before the Entry of the Default in the said record mentioned, and also before the rendition of the Judgment aforesaid, to wit, on the seventh day of December in the year of our Lord one thousand seven hundred and eighty seven at the County of Frederick aforesaid, the aforesaid Edward Dyer plaintiff in the aforesaid action and Judgment died; nor but that the aforesaid Judgment is erroneous and void in Law and ought to be vacated and reversed in manner and form as the said Thomas Beatty hath by pleading alleged. Therefore it is considered by the Court here that the Judgment aforesaid against the said Thomas Beatty upon the default aforesaid be reversed, annulled and held entirely as void; and that the said Thomas Beatty be restored to all things which by reason of the Judgment aforesaid he hath lost; and that he the said Thomas Beatty go thereof without day &c. It is further considered by the Court here that the said Thomas Beatty recover against the said Margaret Dyer and William Thomas administrators aforesaid the quantity of

pounds of Tobacco, adjudged unto the said Thomas Beatty for his costs & charges by him sustained about the prosecution of the said suit of the said State for the correcting of errors of and upon the premises as aforesaid prosecuted; to be levied of the goods and chattels which were of the said Edward Dyer at the time of his death being to be administered in the hands and possession of the said Margaret Dyer and William Thomas if so much thereof in their hands to be administered they have; and if so much thereof in their hands to be administered they have not, then the said costs and charges to be levied of the proper goods and chattels of the said Margaret Dyer and William Thomas; and that the said Thomas Beatty have thereof execution &c.

Test Jno Grinn, Clk

A.R. Henry Reston vs The Lord Proprietary use of William Jacob & wife } Error. Record. general errors. Scifa renewed against Jacobs wife to hear errors. 2the Nihil.

Not to be continued