said John Smith or to his certain attorney executors administrators or assigns the just and full sum of one hundred and thirty nine pounds four shillings common current money of Maryland at or upon the first day of January next ensuing the date hereof with legal Interest for the same then the above obligation to be void else to remain in full force and virtue in Law. Sealed & delivered in the presence of Wm. Sterett { Wm. Blair (Seal)

And the said Samuel Blair and William Shields by their said attorney as before defend the force and injury when and so forth and say that they cannot deny the action aforesaid of the said John Smith so as aforesaid against them brought, nor but that the said John Smith ought to recover his debt aforesaid to two hundred and seventy eight pounds eight shillings current money of the goods and chattels which belonged to the said William Blair at the time of his death which shall hereafter come to the hands of the said Samuel Blair and William Shields to be administered to be levied, and upon this the said John Smith prays Judgment of his debt aforesaid together with his damages sustained by reason of the detention of that debt of the goods and chattels which shall hereafter come to the hands of the said Samuel Blair and William Shields to be administered to be levied

Therefore it is considered by the Justices here that the said John Smith do recover against the said Samuel Blair and William Shields his debt aforesaid to two hundred and seventy eight pounds eight shillings current money, and also the sum of five hundred pounds current money for his damages which he hath sustained as well by reason of the detention of that debt as for his costs and charges by him about his suit in this behalf laid out and expended by the court here unto him with his assent adjudged to be levied of the goods and chattels of the said William Blair at the time of his death which shall hereafter come to the hands of the said Samuel Blair and William Shields executors aforesaid, and the said Defendants in mercy &c

Memorandum the plaintiff agrees to release the damages and penalty on payment of one hundred and thirty nine pounds four shillings current money with interest thereon from the twenty first day of December seventeen hundred and seventy five till paid and four hundred and twenty three pounds of tobacco costs.

Test William Ritchie clerk

(50 cents stamp) Maryland. Frederick county to wit. I hereby certify that the aforegoing is a true copy of the record and proceedings in the action aforesaid. In testimony whereof I have hereunto subscribed my name and affixed the public seal of Frederick county court the 4th day of August 1798.

(seal of Frederick county court)

William Ritchie clk. Frederick county Co.

And the said Samuel Blair surviving executor as aforesaid by his attorney aforesaid says that in the record and process last transmitted as aforesaid, a declaration is certified as regularly filed in the said cause on the seventeenth day of August in the year of our Lord one thousand seven hundred and ninety when in truth no Declaration was filed in the said cause pending the same in the county court of Frederick aforesaid, and the said Samuel Blair surviving executor as aforesaid further saith that in the said writ certain pleas were filed by the said Samuel Blair and William Shields executors as aforesaid in the said county court of Frederick which are not contained and certified in the record transmitted in pursuance of the said last mentioned command: therefore in this there is manifest error: and the said Samuel Blair surviving executor as aforesaid by his attorney aforesaid prays the writ of the State of Maryland of Diminution to be directed to the Chief Justice, Associate Justices and Clerk of Frederick county court more fully to certify the truth thereof to the General Court here, and it is granted to him and so forth. Thereupon the said writ issues forth out of the General Court here in the words and of the tenor following to wit. The State of Maryland &c. To the chief Justice, Associate Justices and Clerk of Frederick County Court Greeting: Whereas in a certain action of debt between John Smith plaintiff and Samuel Blair and William Shields executors of William Blair defendants lately depending in the said county court of Frederick wherein Judgment was rendered for the said John Smith against the said Samuel Blair and William Shields executors as aforesaid and the said Samuel Blair survivor of the said William Shields who is since deceased having obtained a writ of the State of error to remove the record of proceedings in the plea aforesaid to the General Court to be held at the city of Annapolis in pursuance of the command of the said writ a transcript of the process and proceedings therein was transmitted: And also whereas it was heretofore suggested in the said General Court on the part of the said John Smith, that in the record of this cause in Frederick county Court aforesaid there was a Declaration regularly filed and entered in the cause but in the record and proceedings transmitted as

(aforesaid