nothing in bar or preclusion of the action of him the said John Smith but the matter aforesaid by them the said Samuel Blair and William Shields above pleaded that they have no goods or chattels which belonged to the said William Blair at the time of his death in their hands to be administered, and because the said John Smith is not yet advised but that the plea of the said Samuel Blair and William Shields may be true he prays Judgment of his debt aforesaid above demanded together with his damages 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 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, 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 five hundred pounds current money as well for his damages sustained by occasion 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 now here unto him with his assent adjudged 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 the said Samuel Blair and William Shields in mercy &c.

Memorandum The plaintiff agrees to release the Judgment on payment of the sum 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 until paid and the quantity of four hundred and twenty three pounds of tobacco costs of suit,

Test William Ritchie clk.

The Declaration entered of Record in the action aforesaid was filed in the clerks office of Frederick county some time in the year 1794 and the plea entered of Record in the action aforesaid was filed in the same office some time in the year 1796 the day and month are not noticed in either case nor can they now be ascertained

(stamp) State of Maryland Frederick county to wit, I hereby

certify that the annexed and aforegoing is a true copy of the record and proceedings in the action aforesaid and also the true times of filing the declaration and plea in the same cause In testimony whereof I have hereunto subscribed my name and affixed the public seal of Frederick county court

(seal of Frederick county court)

the 13th day of August 1799. William Ritchie clerk. Frederick Coty. Ct.

Whereupon for that 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 thereof their Judgment until the second tuesday of May next for that the court here are not and so forth

At which said second tuesday of May being the thirteenth day of the same month in the year of our Lord one thousand eight hundred come into the General Court here as well the said Samuel Blair surviving executor as aforesaid by his attorney aforesaid as the said John Smith by his attorney aforesaid, and the said John Smith by his attorney aforesaid says that in the record and process last transmitted as aforesaid the terms on which the Declaration was agreed to be filed, and the terms on which the plea stated in the record was agreed to be filed are not stated, Therefore in this there is manifest error and the said John Smith 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 ss. To the chief Justice Associate Justices and Clerk of Frederick county 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 given 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) obtained a writ of error to remove the record of proceedings in the plea aforesaid to the General Court, and in pursuance of the command of the said writ a transcript of the process and proceedings was transmitted: And also whereas it was suggested in the said General Court on the part of the said John Smith that in the record of the said plea in Frederick county court aforesaid there was a Declaration regularly filed

(and