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 that behalf laid out and expended by the court 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 and so forth.

Memorandum. the plaintiff agrees to release this Judgment on payment of £139.. 4. current money with interest thereon from the 21st day of December 1775 till paid, and £23 & tobs costs.

Test. William Ritchie clerk

amongst the papers in the said cause is the following to wit Sir, Under the practice, for many years, it was usual to enter Judgments without filing declarations or pleas at length except in cases of trials, and it was with an understanding of the bar that in case of a writ of error or other cause which might require the record to be made up at length, the attorney for plaintiff and defendant should file declarations, pleas &c as of the court when in propriety they ought to have been filed In pursuance of this practice and understanding it appears in the cases of Roe and Smith against Blairs exor where — Judgments had been entered as mentioned to have been practised that subsequent to my leaving the bar, Mr. Johnson the — Defendants counsel agreed that declarations should be filed as in my name to complete the record, and I see that my indorsement on the declarations states it be as mentioned above There can be no doubt but that this consent to file Declarations and in one case to amend the original writ was given with an understanding of both of us: that the Defendant should at that time be in the situation he would have been in when entering his plea short if the plaintiff had filed his no

in course and should be permitted to make up his part of the record also, and it appears reasonable that if this indulgence is withheld that the proceedings should remain in the state they were at the original Judgment. R. Potts

Mr. Johnson

In testimony whereof I have hereunto subscribed my name and affixed the publick seal of Frederick county court the 9th day of October 1800.

(seal of Frederick county court)

William Ritchie clk. Frederick county court

And the said Samuel Blair by his said attorney comes and says that in the record and proceedings aforesaid and also in giving the Judgment aforesaid, there is manifest error in this to wit, that by the record aforesaid it appears that the Judgment aforesaid in form aforesaid given was given for the said John Smith against the said Samuel Blair (and a certain William Shields) who is since deceased executors of William Blair whereas by the law of the land the said Judgment ought to have been given for the said Samuel Blair and William Shields executors as aforesaid against the said John Smith, and the said Samuel Blair surviving executor as aforesaid prays that the Judgment aforesaid for the errors aforesaid and other errors in the record and proceedings aforesaid may be reversed, annulled, and held for nothing, and that he may be restored to all things which he hath lost by occasion of the said Judgment and that the said John Smith may repair to the said errors and so forth.

And the said John Smith by his said attorney comes and says that there is no error either in the record and proceedings aforesaid or in giving the Judgment aforesaid and he prays that the said court here may proceed to examine as well the record and proceedings aforesaid as the matters aforesaid above for errors assigned, and that the Judgment aforesaid in form aforesaid given may be in all things affirmed and so forth.

Whereupon for that the court here are not advised to give this Judgment of and upon the premises aforesaid day therefore is further given to the said parties by consent of the said parties to hear thereof their Judgment until the second tuesday of May next, for that the court here are not &c. Thereupon further process of and upon the premises — aforesaid, between the parties aforesaid, by consent of the said

(parties