Smoot in his life time did not pay to him the said Levi Chunn the said sum of one hundred pounds mentioned in the — condition of the said writing obligatory with all Interest thereon due, in such manner and form as the said Alexander S. Smoot hath above alledged in his said plea, and this he prays may be enquired of by the country, and the said Alexander S. Smoot doth so likewise &c. and the said Levi Chunn further saith that he for any thing by the aforesaid Alexander S. Smoot in his second plea above alledged, ought not to be precluded from having or maintaining his said action thereof against him the said Alexander S. Smoot because he saith that the said Alexander S. Smoot has and the time of the impetration of the original writ of him the said Levy Chunn at Charles county aforesaid, had divers goods and chattels of the said Edward Smoot at the time of his death in his hands to be administered sufficient to satisfy the said debt whereof he the said Alexander S. Smoot might have satisfied the debt aforesaid, and this he prays may be enquired of by the country, and the said Alexander S. Smoot likewise &c.

Thereupon further proofs of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties and their attorneys aforesaid and by order of the court here is further continued until next court.

At which said next court to wit the third monday in march being the eighteenth day of the same month seventeen hundred and ninety nine, come again the parties aforesaid by their attornies aforesaid; thereupon further proofs of and upon the premises aforesaid between the parties aforesaid, by consent of the said parties and their attornies aforesaid, and by order of the court here is further continued until next court.

And now here at this day to wit the third monday in August being the nineteenth day of the same month in the year of Lord seventeen hundred and ninety nine, comes here the said — Alexander S. Smoot by his attorney aforesaid, and the said Alexander S. Smoot by his said attorney suggests to the court here the death of the aforesaid Levi Chunn and also suggests to the court that a certain Charles Love of Charles County aforesaid is the administrator of the said Levi Chunn, and now here likewise comes the said Charles Love administrator as aforesaid by John Campbell his attorney and offers himself ready for trial in the plea aforesaid. Whereupon the sheriff is commanded that he cause to come before the court here — —

immediately twelve &c. by whom &c. and who neither &c. to recognize &c. because as well &c.

And afterwards to wit on the same third monday in August aforesaid, the Sheriff aforesaid returns to the court here, that he has here ready twelve &c. as he the said Sheriff was commanded to wit, Samuel Jones, Walter Dyson, Charles Coomes, Francis A. Sheid, George Diggs, William Hamilton, Zachariah Mc. Donald, Francis Lancaster, Hezekiah Garner, Edward Hamilton, William Dent and Philip F. Briscoe who being duly empannelled, elected, tried and sworn to say the truth in the premises upon their oath do say, that the said Edward Smoot in his life time did not pay to the said Levi Chunn the aforesaid principal sum of one hundred pounds with all Interest thereon due as the said Alexander S. Smoot in his said first plea hath alledged, and that the said Alexander S. Smoot, hath and on the day of the impetration of the original writ of the said Levi Chunn, to wit on the twenty fifth day of February in the year of our Lord one thousand seven hundred and ninety seven, had sundry goods and chattels which belonged to the aforesaid Edward Smoot at the time of his death in his hands to be administered, to the value of the debt aforesaid wherewith he might have satisfied the same, to wit at the county aforesaid, and they assess the damages of him the said Charles Love administrator of the said Levi Chunn by reason thereof besides his costs and charges by him about his suit in this behalf expended, to one hundred and five pounds eight shillings and nine pence current money. Therefore it is considered by the Justices of the court here that the aforesaid Charles Love administrator of the aforesaid Levi Chunn recover against the aforesaid Alexander S. Smoot administrator of the said Edward Smoot as well the sum of two hundred pounds current money the debt aforesaid in the Declaration aforesaid mentioned as also the sum of eight dollars and twenty five cents and quantity of seven hundred and ninety one pounds of tobacco by the court here unto the said Charles Love administrator as aforesaid on his agent adjudged as well for his damages sustained 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, to be levied of the proper goods and chattels which were of the said Edward Smoot at the time of his death in the hands of the said Alexander S. Smoot remaining to be administered if so much thereof in his hands he hath and so forth, and if so much thereof in his hands he hath not and so forth, then the costs & charges

(aforesaid