the said James Williams as the said Elizabeth Boyce by their attorneys aforesaid and thereupon further process 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 thereon was continued until the Monday before the second Tuesday in June then next following. And now at this day to wit, the monday before the second Tuesday in June in the year Aforesaid Eighteen hundred and ninety Come again as well the said James Williams as the said Elizabeth Boyce by their attornies aforesaid Whereupon for trying the Issue aforesaid it is commanded to the Sheriff of the County aforesaid that he should cause to come here immediately before the Justices aforesaid twelve good and lawfull men of his bailiwick to recognize aforesaid because aforesaid and thereupon the persons returned of that Jury whose names is above mentioned being called certain of them to wit, Richard Hance, Nathan Hannington, Thomas Hodson, William Pattison Thomas Holbert, William Jones, Anthony Manning, James Hodson and William Paddison appeared and are sworn in that Jury; and because the residue of the persons returned of the said Jury the solemnly called do not appear therefore at the instance of the said James Williams and by Command of the Justices aforesaid four new appointed whose names to the paid above mentioned are affixed according to the form of the Statute in such Case made and provided; which said persons so totally elected and four appointed as aforesaid to wit, James Moore, Thomas Emmalls, and Thomas Hollock, being likewise called do appear; who being elected tried and sworn to say the truth of and upon the premises aforesaid together with the Jurors aforesaid first impannelled and sworn upon their Oath do say that the aforesaid Elizabeth Boyce has fully administered all and singular the goods and chattels which were of the aforesaid Leonard at the time of his death in her hands to be Administered, and that she had not at the day of the issuing of the Summons aforesaid in this Cause nor at any time since had any goods or chattels which were of the aforesaid Leonard at the time of his death, in her hands to be Administered whereby the said Elizabeth the Claim of the said James Williams or any part thereof to the said James Williams could pay or satisfy in such manner and form as the aforesaid Elizabeth Boyce within for herself by pleading hath alleged Therefore it is considered by the Court here that the aforesaid James Williams take nothing by his writ aforesaid but that he be in mercy &c. and that the aforesaid Elizabeth Boyce go thereof without day &c. and it is further considered that the aforesaid Elizabeth Boyce do recover against the aforesaid James Williams the quantity of three hundred and fifty two pounds of Tobacco for her costs and charges by her about her defence in this behalf expended and the said Elizabeth Boyce by the Court here adjudged according to the form of the Statute in such Case made and provided and that the said Elizabeth Boyce have her Execution thereof &c.

R. Dickinson Clk.

And the said James Williams by his attorney aforesaid prays that he may appeal from the Judgement aforesaid of the Court here to the Judges of the General Court to be held for the Eastern Shore at Easton; and therein the same is granted by the Justices here; and it is ordered by the same Court, that the Record and proceedings relating to the same be accordingly transmitted before the Honorable the Judges of the General Court at their Court to be held for the Eastern

Shore, after said Court at Easton on the second Tuesday in September next ensuing that the said Judges may further proceed therein as to Justice appertains &c. And be it remembered that the following Bill of Exception was made and taken by the aforesaid James Williams and affixed of Record at the Trial of this Cause to wit,

James Williams
vs
Elizabeth Boyce Admrx of Leonard Boyce

Case, plea Admt. Replevin &c. & Issue. The plaintiff in this Cause gave in Evidence to the Court and Jury that Leonard Boyce in his lifetime, to wit, on the fourth day of March 1786 purchased of the Pltff a Piece of Rum containing 83 Gallons of the price of 4/ by the gallon and that the same was then delivered to the said Leonard Boyce upon which sale there was a ballance due of £18 3 3 to the Pltff by the said Leonard Boyce the intestate and that the said ballance had been confessed by the said Leonard Boyce to be justly due whereupon the defendant by her Counsel, in order to support the plea placed by her in this Cause, offered in Evidence to the Court and Jury the annexed Acct. of her Administration upon the personal Estate of the intestate L. Boyce, passed and allowed by John Goldsborough Gentleman the Register of Wills for Dorchester County duly Commissioned and qualified, but the Pltff by his Counsel objected to the operation of the said Acct. and moved the Court to direct the Jury that only the Administratrix could show she had complied with the act of 1785, entitled an act to alter and amend the Law in certain Cases, that the Pltff in this Cause was entitled to a repetition of the assets agreeably to the directions of that act and that the said Administratrix had no right to pay away any of the assets of her intestate in less than twelve months in the payment of simple contract Debts. But the Court were of Opinion and did determine that the Suit of the Pltff in this Cause being founded upon simple contract and existing before the passage of the said act, did not come within the provision thereof nor became changed in its nature or effects thereby, but that the Administratrix in this Cause was authorized and at liberty to proceed in her Administration with respect to the said claim in like manner as if the said act had never been passed, and so direct the Jury accordingly. The Pltff also by his Counsel moved the Court to direct the Jury that the last article charged in the annexed account was not such as legally could be made in this Estate and therefore ought not to be allowed but the Court were of Opinion and did determine that the said charge was proper and legal and ought to be allowed if appearing to the Court, to have been the practice of the late Prerogative Court and of the deputy Commissaries before the Revolution and of the Registers since that time to allow to Executors and Administrators their reasonable account for the support and maintenance of Orphan children of the Deceased, for the period of one year after the death of Testator or Intestate, and so likewise direct the Jury accordingly. To which Opinion and determinations the plaintiff by his Counsel excepted and prays this bill of exception according to the Statute in such Case made and provided and prays that the said Justices or some one of them would therefore set their seals &c.

Jno Smoot Seal
James Shaw Seal
Moses Lecompte Seal