aforesaid. Thereupon the said James Hughes as well as the said John Stoops by their respective Attorneys aforesaid do suggest to the Court now here that a material Witness in this Cause is beyond Sea; Therefore pray a further day may be given them for the Trial thereof: Whereupon with Consent of the parties aforesaid, day is given to the same parties here for the Trial of this Cause until the Monday before the second Tuesday of June next &c – On which said Monday before the second Tuesday of June in the year aforesaid, comes again as well the said James Hughes Exor as aforesaid by his Attorney aforesaid as the said John Stoops by his Attorney aforesaid; Whereupon for trying the Issue aforesaid, Command was given to the Sheriff of Cecil County that he immediately cause to come here twelve good and lawful men of his Bailiwick by whom &c who neither &c to recognize &c because as well &c of which said Precept the said Sheriff, to wit Archibald Job Gentleman make return that he has here ready twelve &c as by the said Precept he was commanded, to wit: William Ward (Foreman) Edward Moir, John Hendrickson, Joseph Barnes, Stephen Sutton, Zebulon Oldham, William Ewing, Richard Baldin, James Laurenson, John Evans, Enoch Bonsal and John Jack, who being duly elected, tried and sworn to say the truth in the premises, upon their Oath do say that the said John Stoops did pay to the said Joseph Phelps in his lifetime the aforesaid sum of thirty pounds lawful money of Maryland with legal Interest on the same according to the form and effect of the Condition aforesaid – Therefore it is considered by the Justices here the day and year last mentioned that the said James Hughes Exor of the said Joseph Phelps take nothing by his Writ aforesaid but be in mercy for his false clamour therein, and that the said John Stoops go thereof without day &c – And it is also considered by the Justices of the same Court here, that the said John Stoops recover against the said James Hughes the sum of eight hundred and sixty nine pounds of Tobacco by the Court here adjudged unto him for his Costs and Charges by him about his defence in this behalf laid out and expended according to the form of the Statute &c – – –

Whereupon the said James Hughes Exor of Joseph Phelps by his Attorney aforesaid produces to the to the Court here the following Bill of Exception, to wit:

James Hughes Exor of Joseph Phelps — vs — John Stoops

Dr. Cecil County June Term 1787.

In the Trial of the above Cause the Defendant gave in Evidence that on the 10th day of February 1778, James Dorrell the Exor of Nicholas Dorrell one of the Obligors mentioned in the Bond on which the above Action was brought, tendered to Joseph Phelps in his lifetime the sum of £33,, 12,, 6 in Continental Bills of Credit in discharge of the Principal and Interest due on the said Bond but the Witness was altogether ignorant of the Dates of the said Bills of Credit or any of them and that Joseph Phelps refused to take the said Bills in discharge of his Debt aforesaid – The Counsel for the Plantiff then prayed the opinion of the Court whether Bills of Credit issued by Congress subsequent to the passing the Act of Assembly entitled an "Act to make the Bills of Credit issued by Congress and the Bills of Credit emitted by Acts of Assembly and Resolves of the late Conventions a legal Tender in all Cases" passed at February Session 1777 were or were not a legal Tender under that Act? Whereupon the Court were of opinion that all the Bills of Credit issued by Congress at any time or times whatsoever were a legal Tender under the Act aforesaid in discharge of Debts of every kind – To which opinion the Counsel for the Plantiff did take Exception and in order to have the benefit of the said Exception did pray the said Court or some one of them would put their seals to this Bill of Exception containing the evidence aforesaid so given by the Defendant in this Cause and the opinion of the Court on the Question of Law proposed to them by the Counsel for the Plantiff according to the form of the Statute in such case made and provided; and thereupon Joseph Gilpin Esqr Chief Justice of the same Court at the request of the Counsel for the Plantiff did put his seal to this Bill of Exception the 15th day of June 1787 – Joseph Gilpin (seal)

Whereupon the Plantiff prayed an Appeal from the Judgment of the Court which was granted –