before the third Tuesday of October seventeen hundred and ninety, came again the parties by their Attorneys aforesaid: Whereupon the process between the parties aforesaid was by order of the Court aforesaid further continued here on Suggestion of the parties aforesaid that Evidence was wanting from beyond Sea until the Monday before the third Tuesday of March next; the same day was given the parties aforesaid here &c.

And now here, towit, the third Monday of March seventeen hundred and ninety one came again the parties aforesaid, the said Daniel Joes Massey by James Scott his Attorney, and the aforesaid Benjamin Holding by his Attorney aforesaid: Whereupon the process aforesaid, between the Parties aforesaid was by Order of the Court aforesaid further continued here on Suggestion of the Parties aforesaid that Evidence was wanting from beyond Sea until the fourth Monday of October next; the same day was given the said Parties here &c. At which same fourth Monday of October seventeen hundred and ninety one came again the parties aforesaid by their Attorneys aforesaid: Whereupon the process between the parties aforesaid was by order of the Court aforesaid further continued here on Suggestion of the parties aforesaid that Evidence was wanting from beyond Sea, until the third Monday of March next; the same day was given the parties aforesaid here &c.

At which same third Monday of March seventeen hundred and ninety two, came again the parties by their Attorneys aforesaid: Whereupon command was given to the Sheriff of Kent County, towit, Philip Reed, that he cause to come here before the Court aforesaid to try the Issue aforesaid in form aforesaid Joined, twelve &c., by whom &c., and who neither &c., to recognize &c., because as well &c.; and the same Sheriff now here, towit, the same day & year last mentioned comes and returns that he has twelve &c., by whom &c., and who neither &c., to recognize &c., because as well &c., who being called certain of them came, towit, Richard Willis, James Smith, John Burk, Simon Smith, John Hartley & James Lenox who being sworn on that Jury; and because the rest of

the Jurors of the same Jury do not appear, therefore others that are here present being chosen and elected for this purpose by the Sheriff of Kent County at the request of the same Daniel Joes Massey and by the command of the Chief Justice aforesaid are appointed anew, whose names are affixed in the Panell above written, according to the form of the Statute in such Case made and provided; which said Jurors so appointed anew, towit, James Smith, Thomas McClure, Richard Ricaud, William Merritt, James Cann & Philip Dugan, who being likewise summoned together with the other Jurors before impannelled and sworn being called, elected, tryed and sworn to give their Verdict at the bar of this Court upon the premises withdrew to consult among themselves, and afterwards returned to the same Bar to give their Verdict in this behalf upon their Oaths do say, that Benjamin Holding is indebted to Daniel Joes Massey in the sum of fifteen pounds sixteen shillings Current money, and by Richard Willis their Foreman they all so say: Therefore it is considered that the aforesaid Daniel Joes Massey do recover against the same Benjamin Holding the sum of fifteen pounds sixteen shillings Current money for his Damages aforesaid by the Jurors aforesaid assessed, and the Quantity of pounds of Tobacco for his Costs & Charges by him about his Suit in this part expended, and by the Court aforesaid here of his Assent adjudged: and the aforesaid Benjamin in mercy &c.

Ben Chambers Clk.

Thereupon the said Benjamin Holding by Robert Wright his Attorney prayed leave to file a Bill of Exception to the opinion of the of the Court on the following point, and it was granted in the following Words.

Daniel Joes Massey } Kent County — March Term 1792.
a/c
Benjamin Holding } The Plaintiff in this Cause having offered in Evidence an Account, tho' not proved under the Act of Assembly & produced & sworn a Witness, and then prayed to ask that Witness the following Question, towit, "Did the Plaintiff sell to the Defendant one Barrel of Shipstuff that being the first Article in the Plaintiffs Account and so of every Item in the said Account; to which Question the Defendant by his Counsel objected as being leading Questions, and prayed the opinion of the Court: Whereupon the Court were of opinion that the Plaintiff be at liberty to ask the Witness as to his knowledge