Judgments.

death of him the said John Crockett, nor the said Simon and Mary since the espousals between them celebrated have not Assumed upon themselves at any time within three years next before the day of the impetration of the Writ original of him the said Thomas, in manner and form as the aforesaid Thomas above against them hath complained and this they are ready to verify and so forth, wherefore they pray Judgment if the aforesaid Thomas his action &c. thereof against them to have ought &c. And the aforesaid Simon and Mary his wife by leave of the Court here according to the form of the Statute in such case made and provided come and further defend the force and injury when and so forth, and say that the aforesaid Thomas his action &c. thereof against him to have or maintain ought not, because they say that the Original Writ of him the said Thomas was sued out on the day of seventeen hundred and ninety not before, and that the cause of action upon which the aforesaid Thomas against the said Simon and Mary his wife as Executrix of John Crockett, deceased, above hath declared, did not accrue within three years next before the suing the Original Writ aforesaid, and this they are ready to verify; wherefore they pray Judgment if the aforesaid Thomas his action &c. thereof against them to have or maintain ought &c. And the said Simon and Mary his wife by leave of the Court here, according to the form of the Statute in such case made and provided come and further defend the force and injury when and so forth, and say that the said Thomas his action &c. against them the said Simon and Mary to have or maintain ought not because they say that before the suing the Original Writ of him the said Thomas they the said Simon & Mary fully Administred all and singular the Goods and Chattels which were of the said John Crockett at the time of his Death in their hands to be administered, and that the said Simon and Mary had not at the time of the suing of the said Original Writ, nor any time since have they had any Goods or Chattels which were of the aforesaid John Crockett at the time of his death in their hands to be administered, and this they are ready to verify and so forth, wherefore they pray Judgment if the said Thomas the Action &c. against them to have or maintain ought and so forth. Mr. Bacon for Def.ts Nevertheless the said Simon Wilmer and wife Executrix as aforesaid by their Attorney aforesaid, with-draws their plea of limitation, in manner & form by them above pleaded, and prays that the said Thomas Palmer may reply to the answer of the said Simon Wilmer & wife in the plea aforesaid; Whereupon it was ruled by the Court here, that the said Thomas Palmer, reply to the answer of the said Simon Wilmer & wife in the plea aforesaid. And the said Thomas Palmer by his said Attorney, prayed leave of the Court here to imparle, until the second Tuesday of September then next, to reply to the answer of the said Simon Wilmer and wife, in the plea aforesaid, and he had it; the same day was given to the said Simon Wilmer and wife then &c. At which said second Tuesday of September Seventeen hundred and ninety seven, came again into Court the parties aforesaid by their Attorneys aforesaid, and the said Thomas Palmer by his said Attorney, saith that as to the first plea of them the said Simon Wilmer and wife above pleaded, therein & in like manner &c. And the same Thomas Palmer as to the second Plea of them the same Simon Wilmer and wife above pleaded, comes and says, that he, by any thing by the same Simon Wilmer and wife in that plea alledged, ought not to

be precluded from having and maintaining his action &c. thereof against them, because he says, that the same Simon Wilmer and wife have, and on the day of suing the said Original Writ of him the same Thomas Palmer, that is to say, on the day of in the year of our Lord seventeen hundred ninety had diverse Goods and Chattels which were of the same John Crockett at the time of his death, in their hands to be Administered, of the Value of the Damages aforesaid, wherewith the said Thomas Palmer for his Damages aforesaid, to wit, at the County aforesaid, and this the same Thomas Palmer prays may be enquired of by the Country &c. And the said Simon Wilmer & wife in like manner &c. Therefore let a Jury thereupon appear before the General Court here, on the second Tuesday of April next, by whom &c. who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid, then and there &c. And now here at this day, to wit, the second Tuesday of April seventeen hundred and ninety eight, comes into Court here, the Parties aforesaid by their Attorneys aforesaid, and the same Simon Wilmer & Mary his wife Executrix of John Crockett, further defend the force and injury when &c. and say, that they cannot deny the said action of the said Thomas Palmer so as aforesaid against them brought, nor but that he the said John Crockett did Assume upon himself in his lifetime, in manner and form as the said Thomas Palmer above thereof complains, nor likewise, but that the said Thomas Palmer hath sustained Damages by reason of the non-performance of the promise and Assumption aforesaid, to the sum of three hundred pounds Current money, as he the said Thomas Palmer above by declaring supposes; Whereupon the said Thomas Palmer by his Attorney aforesaid, prays Judgment, and those Damages so ascertained, together with his Costs and Charges by him about his suit in this behalf laid out and expended, whom to be adjudged &c. Therefore it is Considered by the Court here that the said Thomas Palmer recover against the said Simon Wilmer and Mary his wife Executrix of John Crockett as well the said sum of three hundred pounds Current money, above ascertained for his Damages which he hath sustained by reason of the non-performance of the promise and Assumption aforesaid, as the Quantity of seven hundred and thirty two pounds of Tobacco for adjudged by the Court here unto the said Thomas Palmer for his Costs and Charges by him about his suit in this behalf laid out and expended, and the said Simon Wilmer and Mary his wife Executrix as aforesaid in their mercy &c. Test James Carlo Junior Clerk.

Memorandum. Judgment was confessed in this action on the 16th day of April 1798 for £300 Damages and Costs. To be released on payment of £186 &c. with Interest from the first of September 1797. Stay paid and Costs, Stay of Execution till the 1st of March 1799.

State, use of Philip Reed
against
Robert Buchanan

Be it remembered that on the twenty fourth day of March in the year of our Lord one thousand seven hundred and ninety six, the State of Maryland by James Houston her Attorney in this behalf sues forth out of our General Court, here, its close Writ of Certiorari in the words and figures and of the tenor following, to wit.—
The State of Maryland, To the Justices of Kent County, Greeting: Whereas lately in our said Court Robert Buchanan late of Kent County, was summoned to answer unto the State of Maryland of a plea of Debt, which said plea is still depending before you our said Justices in our said County Court, as it is said, undetermined, and he being desirous for certain reasons