and one penny Current money with legal Interest from the twenty fourth day of July one thousand seven hundred and ninety seven, above awarded to be due as aforesaid, as the Quantity of three thousand five hundred and twelve pounds of Tobacco adjudged by the Court here unto the said Abraham Millan as well for his Damages sustained by occasion of the detention of the Debt aforesaid, as for his Costs and Charges by him about his Suit in this behalf sued out and expended, the levied of the Goods and Chattels which were of the said John Cox, deceased, at the time of his death, in the hands of the said John Cox remaining to be administered, if so much thereof in his hands remaining to be administered he hath, and if so much thereof in his hands to be administered he hath not, then the Damages, Costs and Charges aforesaid to be levied of the proper Goods and Chattels of the said John Cox the Executor. — Test, James Earle Junr. Clerk. —

Memorandum, Judgment was rendered on the above Award, this seventeenth day of April in the year of our Lord one thousand seven hundred and ninety eight —

State, for the use of Thomas Sappington & wife against Elijah Massey —

Be it remembered that on the seventeenth day of April in the year of our Lord one thousand seven hundred and ninety five, the Chief Justice and Associate Justices of Kent County Court, in pursuance of the Act of Assembly in such case made and provided, transmitted to our General Court, the Record and proceedings of a plea which was lately depending before them in the said County Court, between the State of Maryland, for the use of Thomas Sappington and wife, Plaintiffs and Elijah Massey, Defendant, and wherein the said County Court gave Judgment for the said Elijah Massey, ~~to which~~ said Judgment ~~said Judgment~~ of the Court the aforesaid State of Maryland for the use of the said Thomas Sappington and wife, by her Attorney excepted, and prayed an Appeal unto the General Court; the tenor of which said Record and proceedings is in form following, to wit —

The State, for Thomas Sappington & Wife against Elijah Massey

Pl. £2000 Dmg. Nar — performance, non performance, with liberty to give in Evidence the non payment of their share of the personal Estate of George Browning — The Plaintiff in this cause having given in Evidence the Will of George Browning, and that the said Sappington Married Mary Theating one of the Legatees of the residue of the personal Estate of said Browning — The Defendant in this cause produced and gave in Evidence the account of said Massey, Administrator de bonis non of George Brownings Estate, as the same ~~stood stated~~ in the Orphans Court of Kent County under the Seal of the Register of said Court — The Plaintiff then, by his Counsel moved the Court to direct the Jury that the said account under the Seal of the Register was not conclusive Evidence of the balance of said Estate in this cause and offered to prove that the disbursement of one hundred and sixty three pounds entered thereon to the Credit of said Massey, as a Judgment recovered against said Massey, as Administrator de bonis

non of said George Browning was not just a right, and that in fact there was no such Judgment, but that the said Judgment was for a Debt due to George Browning the younger from Thomas Browning, deceased, for the payment whereof said Massey, and Sureties Portick were Subscribers, and that there was no Debt due from George Browning the Testator to George Browning who recovered said Judgment — But to this the Counsel for the Defendant did object. and the said Court did then and there deliver their opinion to the said Jury that the paper now exhibited under the Seal of the Orphans Court of Kent County is proper Evidence to establish the disbursements as there stated, and that this Court are concluded in the present cause by the said account from investigating and Judging of the propriety of the said disbursements, the Orphans Court being competent and having Jurisdiction in exclusion of this Court to settle and state the said account, and to allow or not to allow the said disbursements as they might concerne rights. Whereupon the said Plaintiff by his Counsel did then and there except to the said opinion of said Court, and requested the said Court to put their Seals to the Bill of Exception that he might have the benefit thereof according to the form of the Statute in such case made and provided — James Tilghman Pres. Samuel Chew Seal. —

In Testimony that the above is a true Copy, I have hereunto set my hand & Seal of Kent County Court, and affixed the Seal of Kent County this thirteenth day of April seventeen hundred and ninety five. — Ben: Chambers Clk. —

And thereupon appeared in our General Court, as well the said State of Maryland for the use of Thomas Sappington and wife by Robert Wright Esquire her attorney as the said Elijah Massey by John Scott Esquire his Attorney; And the said State of Maryland by her Attorney aforesaid, saith, that in the Record and proceedings aforesaid, and also in the giving of Judgment aforesaid there is manifest Error in this, to wit, that by the Record aforesaid it appears, that the Judgment ~~aft~~ in the plea aforesaid given, was given for the said Elijah Massey against the said State of Maryland when by the Law of the Land that Judgment ought to have been given for the said State of Maryland against the said Elijah Massey, therefore in that there is manifest Error, and the said State prays that the Judgment aforesaid for that Error, and others, being in the Record and Proceedings aforesaid may be reversed, annulled, and held entirely as void, and that she the said State may be restored to all that she has lost by occasion of the said Judgment, and that the said Elijah Massey may rejoin to the Errors aforesaid &c — Thereupon the said Elijah Massey by his attorney prayed that leave of the Court to imparle until the next Term, and he had it, the same day was given to the said State of Maryland there &c — At which said next Term, to wit, the second Tuesday of September in the year of our Lord one thousand seven hundred and ninety five, came again into Court the Parties aforesaid by their attornies aforesaid; And the said Elijah Massey by his Attorney aforesaid, says there is no Error in the Record and proceedings aforesaid, or in the rendition of the Judgment aforesaid, and prays likewise that the said General Court may proceed to the Examination as well of the Record and proceedings, as of the matters aforesaid by the said State above for Errors assigned