

tice of this Province and not Sufficient to preclude the Said Plantiffe from haveing Judgment affirmed upon the Said Scire facias and thereof he Prayeth Judgement of this Court whether the Said Defendant Plea is not alltogether Dillatary Visious and Eronious and Further Prayeth Judgement of this Court for his Debt aforesaid and Cost to him to be adjudged etc. William Stone.

And the Said David by Joshua Cecell his Attorney Saith that the replication aforesaid is not Sufficient in Law to barr the Defendants Plea in Demurrer or to maineteine the Said writt of Scire facias aforesaid brought etc. and of this he putts himselfe upon the Court. Joshua Cecell

And the Said James allso. William Stone.

The Pleadeings of both parties by the Court hear being read Seen and fully understood it is considered that the Demurrer be Quashed and that the Scire facias be good.

It is further Considered that the Said James Brooke Plantiff recover against the Said the aforesaid David Small Administrator of Charles Treacy Deceased as well the Sume of five Thousand two Hundred pounds of Tobacc[o] his Debt and Damages aforesaid as also the Sume of five hundred fifty Six pounds of Tobacco for his additional costs and Charges of Suite to the Said James Brooke Plantiffe of his assent by the Court here adjudged out of the Goods and Chattells whereof Charles Treacy att the time of his Death in the hands of the Said David Small to be administred if he hath Soe much thereof in his hands to be administred etc. and the Said David Small in mercy.

*Allexander Magruder Plantiff: Treacyes administrator Defendant*

It was Comanded the Sheriff that whereas there was due from Charles Treacy late of Prince Georges County Inholder Deceased unto Allexander Magruder as well the Sume of four Thousand t[w]o hundred pounds of Tobacco Debt and Six hundred and Ninety pounds of Tobacco Cost of Suite the whole amounting to four Thousand Eight hundred and Ninety Pounds of Tobacco to the Said Alexander Magruder for Debt and Damages Susteined by a Judgement obtained against the Said Charles Treacy in his Life time before the Justices of our Sovereigne Lord the King att Charles Towne the fourth Tuesday in March in the year of our Lord one Thousand Six hundred ninety and Seven whereof he was convict as by the records and proress thereof in our Said Court remaineth manifestly appeareth Nevertheless Execution of the Judgement aforesaid yett remaineth to bee done as by the insinuation of the Said Magruder our Sovereigne Lord the King is given to understand and because etc. that by Law etc. he make knowne unto David Small administrator of all and Singular the goods Chattles and Creditts of the Said Charles Treacy Decead that he be and appear before the Justices of our next Prince Georges County Court to be held att Charles Towne the fourth Tuesday in March to Shew cause if any he have wherefore the Said Allexander Magruder his Execution against him the Said David Small as administrator of all and Singular the Goods Chattles and Creditts of Charles Treacy Deceased against him ought not to have according to the recovery thereof.

And now here at this day (to witt) the 26th of September annoque Domini 1699 came here as well the Said Allexander Magruder as the Said David Small and the Said Allexander Magruder by John Meryton his Attorney Prayeth that the Said David Small to his writt of Scire facias may answer.

[468] And the Said David by Joshua Cecell his attorney Comes and Defends the force and Injury when and Saith that the Said writt and the Matter in the