

at Annapolis Came As Well the said Richard Smith As the Said Thomas Brooke Garnishee As Aforesaid by their Attorney Afs^d And the justices of Assizes before Whom etc: Sent there their Record before them had in these Words Viz^t: Afterwards To Witt the Day and Place last Above mentioned before Thomas Addison Esq^r One of his Lordships justices of the Provinciaall Court of this Province and James Stodert Esq^r one other of his Lordships justices of the Said Court Assigned to take the Assizes in Prince Georges County afores^d According [810] To the Form of the Statute etc: Came the Within named Richard Smith Jun^r by Daniel Dulany his Attorney And the within named Thomas Brooke Esq^r Garnishee of the Said Arden Carleton by Thomas Boardly Esq^r his attorney And the jurors of that jury whereof Mention Was Above made being Called Likewise Came To Witt Richard Keen, Nathaniel Magruder, Sen^r, William Penson, James Stoddart, Jun^r, John Winn, John Child, Robert Pottenger, Sam^t Potinger, Ninian Magruder, Luke Barnett, Joseph Newton, And William Beane, Who Duly Elected Tryed and Sworn to Say the Truth in the Premisses Upon their Oath Did say That the Defendant Was Indebted to Arden Carleton in the Writt of Attachment Mentioned in the sum of two hund^d And forty Eight Pounds Sterling And that before the said Attachment issued Maurice Birchfield Esq^r Surveyor Generall of the Southern District of America Alledged that the Said Carleton Was Indebted Unto Our Sovereign Lord King George the Said Sum and Upwards And that he the Said Birchfield also alledged that he had Sufficient Authority from the Hon^{ble} the Commissioners of the Customs in London to receive the Said Carleton's Debts in Maryland And that before the issuing of the Plaintiffs Attachment the Defendant paid the Said Sum of Two Hundred and forty Eight Pounds Sterling to the said Maurice Birchfield for his Majesties Use But whether the said Carleton was Indebted to the said Lord the King Or Whether the said Birchfield had any Lawfull Authority to receive the Creditts or other Effects of the Said Carleton to his Majesties Use if the said Carleton Was So Indebted Was Unknown to the jury And if Upon the whole Matter the Law should be with the Plaintiff the said Jury Did find for the Plaintiff And that the said Thomas Brooke Esq^r the Defendant had in his hands on the Day of the laying the Said attachment in his hands of the Rights And Creditts of the said Arden Carleton to the value of Two Hund^d and forty Eight Pounds Sterling and no More And if the Law should have been with the Defendant the said Jury did find for the Defendant And Prayed the Advice of the Court And because the Justices there were not then Advised of the rendering their judgment of and Upon the Verdict and Premisses afs^d Day thereof Was given as well to the said Richard Smith As to the said Thomas Brooke Garnishee as afores^d Untill the then Next Court to hear thereof their judgment for that the said justices then Were not etc: At Which said Next Court To Witt the Eighteenth Day of May in the Year of Our Lord Seventeen Hundred and twenty five Came Again