Sixty Eight pounds of Tobacco which to the Same John Hyde in the Same Court of the Said Late Queen were adjudged for his Costs & Damages which he Sustained by Occasion of the Detention of that Debt whereof he is Convict as by the Record and process thereof in our provinciall Court before our Justices at the City of Annapolis being Manifestly appears Nevertheless Execution of the Said Judgement as yet remains to be done and the aft Wm Nicholls is dead as of y Insinuation of y Said John Hyde We have ~~need~~ But because wee are willing that those things which in the Said Court of the Said Late Queen have been rightly done Should be brought to a due Execution Command you that by good and Lawfull Men of your Bailywick you make known to the tennants of the Lands and tenements which were of the Said Wm Nicholls the thirteenth day of May one thousand Seven hundred and Seven on which day the Said Judgment was rendred or at any time thereafter was Seized in your Bailywick that they be before our Justices of our provinciall Court to be held at Annapolis the Second tuesday of Aprill next to Show cause if any they have or for themselves know to Say why the Debt and Damages aft of them Lands & tenements ought not to be made and to the Said John Hyde to be rendred according to the form of the Said Recovery if to them it will Seem expedient and have you there the Names of those by whom you make the Same known and this Writt Witness Wm Holland Esq: Chief Justice of our Said Court the 25th day of Sept: in the first year of our Reign &c: Annoq Dom 1718 Beale

They also pray a hearing of the Return of the Same Writt and his also read unto them in these words viz: To the Justices within mentioned I Certifie that by Vertue of the within writt to me directed I have made known unto Wm Smith of Calvert County Gent Mrs Mary Nicholls of Calvert County Widow terretennants of a parcell of Land lying in Calvert County called St: Edmond formerly in the poss: of Wm Hemp Cont: one hundred acres and also a parcell of Land part of the Said tract containing one hundred acres and also of that other parcell of Land being part of a tract of Land called the Lordships favour Cont: fifty Acres which two last parcells of Land were lately in the possession of Hercules Hunes and also of that parcell of Land called upper Bennett Cont: three hundred and twenty acres of Land lately in the possession of John Scott and Mary Parry and one Mesuage two Orchards with th appurtenances all lying on the Cliffs in Calv: County aft which were of the Said Wm Nicholls

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on the Day of rendring the Said Judgement that they be at the Day and place within mentioned to Shew cause in the form within Mentioned by William Young and Charles Lancely two good and Lawfull Men of my Bailywick as within I am Commanded And I further Certifie y: there are no other or more tennants of any Lands or tenements that were of the Said Wm Nicholls on the thirteenth day of May one thousand Seven hundred and Seven on which Day the within Judgement was rendred or at any time thereafter to whom I could make known according to the Exigence of the within writt so answers Ind: Brome Shff which being read and heard the Said Wm & Mary pray Judgement of the Writt aft: because protesting that the Said Wm Nicholls in the Said Writt mentioned never was seised in fee Simple of the Lands tenements or Mesuages in the Return of the Said Writt mentioned for plea they Say that the Same Writ and the Return thereof are insufficient and uncertain in this that by the Said Writt the Shff is not Commanded to make known to the terretennants of the Lands and tenements which were of the Said Wm Nicholls in fee Simple to Shew why the Debt & Damage (therein mentioned) of those (to wit the fee Simple) Lands ought not to be made And also that by the Said Return it appears not whether the Said Wm and Mary are terretennants of the Said Lands Jointly or Severally or of what proportion Each of them is terretennant or that the Lands whereof they are by the Said Return Supposed to be terretennt: were Lands in which the Said Wm Nicholls had Such Estate as would render them Lyable to the Judgement in the Said Writt mentioned And this the Said William and Mary are ready to Verifye wherefore they pray Judgement of the Writt of Scire facias aft &c: And the aforesaid John Hyde as to the aforesaid plea of the Said Wm Smith & Mary Nicholls in abatement of the aft Writt of Scirefacias above pleaded Saith that the aforesaid plea in Manner and form aft pleaded is not Sufficient in Law to abate the aforesaid Writt or him the Said John Hyde from Execution agt the Said Wm Smith & Mary Nicholls of the Debt and Damages aft of the Said Lands & premises in y Said Scirefacias and return thereon Specifyed and that he to that plea in manner and form aft pleaded hath no need nor by the Law of the Land is held to Reply and this he is ready to Verifye wherefore for want of a Sufficient plea of the aft Wm Smith & Mary Nicholls in this behalf the Said John Hyde prays Judgment and that the aforesaid Writt may be adjudged good and Execution agt the Said Wm Smith & Mary Nicholls of the Debt & Damages aforesaid of y aft Lands & premises be to him adjudged &c

Whereupon all and Singular the premises being by the Court here

(seen)