if they shall be found in your bailywick to the value of five thousand five hundred and eighty pounds of Tobacco and cask and when you have the same so attached or any part thereof the same in your custody safe keep so that you have the same before the Justices of our County Court to be held at Dividing the third Tuesday of November next to satisfy unto John Scot and Jane Pittman his wife late as well the sum of five hundred pounds of Tobacco Costs by the said John Scot and Jane Pittman his wife recovered against them before the Justices of our said Court on the 24th day of August 1716 whereof they are convict together with all such costs as to the said Sheriff shall accrue upon this our writ of attachment and that by good and lawfull men of your bailywick you make known unto the person or persons in whose hands you make the same attachment that he she or they be and appear before the Justices of our said Court at the day and place aforesaid to show cause if any he she or they have why the same goods chattles rights or credits so attached shall not be condemned in his her or their hands according to law for towards satisfaction of the said debt and costs above specified and how you shall execute this writ that you make known unto our said Justices at the same day and place hereof fail not at your peril and have you then there this writ witness Charles Ballard Gent. Chief Justice of our said Court this 8th day of October in the second year of our Dominion Anno Dom. 1716

(Scott in debt) Hen: Hall Clerk

Attached in the hands of Katherine Collins late Sam: Collins the sum of Eleven Pounds

Thomas Dashiell Sheriff

And the pltf. John Scot humbly moved the Court for condemnation of five thousand five hundred and forty six pounds of Tobacco with costs to be paid in country pay to wit two hundred eighty eight pounds of Tobacco costs.

And it is considered by the Court here that the same goods so attached as aft in the hands of Thomas Billins and Katherine his wife be condemned to and for the use of John Scot and Jane Pittman his wife Exr. of the last will and Testament of Wm. Peter Dent deceased he the said John Scot giving security according to Law.

Now here to wit the twentieth day of March Anno Dom. One thousand seven hundred and twenty two his Lordships writ of Diminution being produced herein Court the tenor of which writ follows in the words viz.

Maryland ss. Charles absolute Lord and propry of the province of Maryland and Avalon Lord Baron of Baltimore &c. To our Justices of Somerset County Court Greeting Whereas in a certain Action of Debt for the sum and just sum of five thousand and eighty pounds of good sound Merchantable Tobacco and cask between John Scot and Jane Pittman his wife Exr. of the last will and Testament of Wm. Peter Dent deceased pltfs. and William Stevens Howard & Thos. Howard brought their writ of Error to correct the errors in the same judgment returnable before the Justices of our Prov. Court and in pursuance of the writ of Error aft a transcript of the proceedings therein was transmitted. But for as much as the Justices of our said Prov. Court are not fully satisfied that there is a sufficient record sent in the action aft but the record thereof diminished We therefore command you that without delay a full transcript of the whole proceedings therein you cause to be transmitted to our Justices of our Prov. Court to be held at Anapolis the second Tuesday of April next without any diminution whatsoever to the end speedy justice

(may)

may be done in the premises according to law whereof you and in no wise to fail and send you then there this writ Witness Samuel Young Esq. Chief Justice of our said provincial Court the 25th day of September in the 7th year of our Dominion Annoq. Dom. 1722.

Vachel Denton Clk

(D Dulany)

Which being read and heard it is ordered by the Court here that a full transcript of the proceedings be made and sent according to the tenor and command of the writ aft in compliance to which order the same is here

Taken from Lib. EFG fol. 151, 152, 413, & 424 Certified Thomas Hayward Clk Cur. Cond. Sond.

Test Thomas Howard Clk Cur. Cond. Sond.

Somerset County ss: I further certify that it doth not appear by record (as I can find) that any execution or other process whatsoever issued against the above said Thomas Billis and Katherine his wife according as above on the above said judgment at suit of the said John Scot and Jane Pittman his wife In confirmation whereof I have hereunto put my hand and seale of the said County this 29th day of March Anno Dom. 1723.

Seale of Somerset County Court

Thomas Hayward Clk Cur. Cond. Sond.

Whereupon the said William Stevens Howard and Thomas Howard admr. as aft by their attorney aforesaid say that in the record and process aft it is manifestly erred &c.

Ist. It is erred in this that it appears by the said John and Jane their own showing that their action was founded on an obligation pretended to have been executed by one Edmond Howard late of Charles County in Maryland to Peter Dent deceased and yet that the said William Stevens and Thomas were not sued either as executors of the last will and Testament admr. of the goods & chattles or heirs & devisees of the said Edmond.

Item it is erred in this that it appears that there was but one writ issued against the Defendants before attachment granted tho it doth not appear that they were out of the province nor that ever any such thing was alledged to the Court.

Item It is erred in this that judgment is given against the effects of Edmond Howard and the said Edmond adjudged to be in Mercy altho it appears by the said John and Jane their own showing that he was dead.

Item it is erred in this that altho judgment is rendered against Edmond Howard yet the attachment issued against the effects of the said William and Thomas.

Item It is erred in this that the proceedings aft have neither form nor substance whereon any judgment in law could be regularly founded. For which errors and many others in the record and process aforesaid the said William Stevens and Thomas pray that the judgment aft be set aside and to all that they thereby lost be restored. But for the said Defendts. do not appear nor any order made in the said action therefore the said Defendts. have time to appear until next Court to hear the errors assigned as aforesaid and the same day is given to the pltfs. also.

At which said next Court to wit the 10th day of September Anno Dom. 1723 Comes again the said Wm. Stevens Howard and Thomas Howard admrs. as aft by their attorney aft but the said Defendts. do not yet appear Wherefore the said pltfs. by their attorney aft pray the writ of his Lordship the Lord propry to forwarn the said John Scot and Jane Pittman his wife Exr. of the last will & Testament of Peter Dent deceased of being here before his Lordships Justices at the next Court to hear the errors assigned upon the judgment aft &c. and further &c. which is granted him, the Lord. of which writ follows in the words viz.

Maryland ss: Charles absolute Lord and propry of the province of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Somerset County Greeting Whereas William Stevens Howard and Thomas Howard admr. of the last will and Testament of Edmond Howard (late)