me directed by John Blackiston and Mathew Mason two good and Lawfull men of my Bailpsick
on the Seventh day of June Seventeen hundred and twenty one I have made known to the w.d in
named John Dunbar and Ann his wife Exr.s of the Last will and Testament of John Cod deced
that they be and appear before the Justices at the day and place within prescribed to Shew
Cause if any they have &c. in Same as within directed as Same I hereby Commanded &c.
And the aft.d John & Ann in their Capacity aft.d Come and say that the said Dryden &c. as aft.d
Execution of the said Sum of four thousand three hundred Seventy Eight pounds of Tobacco
in the writ of Scire facias aft.d Mentioned against the said John and Ann in their Capacity aft.d
to have ought not because they say that after the recovery in the said writ of Scire facias specified
and before the Impetration of the same writ to wit the Tenth day of May Anno Domini
Seventeen hundred and Twenty one at St Marys County they the said John and Ann Exr.s
aft.d did fully Satisfy and pay unto the said Dryden Fowke Exr as aft.d the full Damages & Costs
so by the said Henry Peregrine recovered against the said Ann whereof the said Dryden did Accept and this
they are ready to verify and therefore pray Judgment if the said Dryden Execution if the said four thousand
three hundred and Seventy Eight pounds of Tobacco against them to have ought &c. Riley Deputy
And the aft.d Dryden Exr as aft.d Saith that by any thing Pleaded Shewn from having Execution of the said
Sum of four thousand three hundred and Seventy Eight pounds of Tobacco in the writ of Scire facias
aft.d She Ought not to be barred because She Saith that the said John and Ann in their Capacity
aft.d after the recovery aft.d and before the Impetration of the same writ on the said Tenth day
of May Anno Dom.i Seventeen hundred and twenty one at the County aforesaid any time Since
have not paid unto the said Dryden Exr aft.d the full Damages and Cost recovered by the said
Henry Peregrine Fowke against the said Ann as the said John and Ann have by pleading
alledged and this She prays may be Enquired of by the Country. 10.m Cumming Att.d
And the said John and Ann pray Liberty here of to Imparle til the next Court & they have
it the same day is given to the plaintiff also &c.
At which said next Court being the first day of August in the year of our Lord God Seventeen
hundred twenty one aft.d Comes as well the said Dryden Fowke by William Cumming his Attorney
aft.d as the aforesaid John Dunbar and Ann his wife by Philip Key their Attorney aft.d and the said
John and Ann his wife Exr.s aft.d pray Liberty here of further to Imparle til the next Court
and they have it the same day is given to the plaintiff also &c.
At which last said next Court being the Seventh day of November in the year of our Lord God
Seventeen hundred twenty one aft.d Come again the said parties by their Attorneys aft.d and
the said parties to this Action Submit themselves to the hearing and Determination of Sam.l
Williamson and William Nairne Gent Arbitrators Indifferently Chosen to Arbitrate them to whose
Award therof they Mutually Oblige themselves to each other to stand According to the Statute
&c and days given to the said parties of being heard to hear their Award Like of until the
next Court if the same Shall be Published &c.
At which said next Court being the Sixth day of March in the year of our Lord God Seventeen
hundred twenty one aft.d Come again the said parties by their Attorneys aft.d and this Cause
is Continued til the next Court and referred to the same Arbitrators formerly Appointed
(the 4th Inst.)

with a Release of Errors on this further Continuance of the Assent of all parties &c.
At which last said next Court being the fifth day of June in the year of our Lord God Seventeen hundred
Twenty one Come again the said parties by their Attorneys aft.d and the Arbitrators aft.d Chosen and this
Scire facias are Continued with a Release of Errors of the Mutual Consent of Each party on this further
Continuance til the next Court &c.
At which Last said next Court being the Seventh day of August in the year of our Lord God Seventeen hundred
twenty two aft.d Come again the said parties by their Attorneys aft.d and the Arbitrators aft.d Chosen together
with the Scire facias aft.d and the pleadings thereupon are Continued til the next Court with a Release of Errors
of the Mutual Assent of all parties on this further Continuance &c.
At which last said next Court being the Sixth day of November in the year of our Lord God Seventeen hundred
twenty two aft.d It was Ordered that all writs and process with other Matters and things then Depending
be and were thereby Continued to the last Tuesday of February next to which day the said Court Adjourned
At which last Tuesday of February aft.d that is to say Here hereat this day being the twenty Sixth day of
February in the year of our Lord God Seventeen hundred twenty two aft.d Comes the said Dryden Fowke Exr
as aft.d by her Attorney aft.d and prays Execution ag.t the said John Dunbar and Ann his wife Exr as aforesaid of
the Debt and Costs aforesaid &c. and the said John Dunbar and Ann his wife Exr as aft.d have not Dayned Gain
nor made any Answer to the Application aft.d but made Default neither have the Arbitrators aft.d Exhibited
any award in the Scire facias aft.d &c.
Wherefore it is Considered that the said Dryden Exr as aft.d do have Execution against the said
John Dunbar and Ann his wife Exr as aft.d for the Debt and Costs aforesaid together with the Costs
of Increase by the same Dryden in this part laid out and Expended to four hundred Sixty Nine
pounds of Tobacco in the whole Amounting to four thousand Eight hundred forty Seven pounds of
Tobacco to the said Dryden at her request by the Court here Adjudged to be Levied of the goods and
Chattles which were of the said John Cod at the time of his Death in the hands of the said
John Dunbar and Ann his wife to be Administred if so much there of to be Administred in their
hands they have and if they have not then the Cost of Suit and Cost of Increase aft.d of the proper
goods and Chattles of the said John and Ann &c.
Whereupon the said John Dunbar and Ann his wife pray Liberty here of to Appeale to the next
Provincial Court to be held at Annapolis the Second Thursday of April next According to the
Directions of the Act of Assembly in this Province in Such Case made and provided &c. and it
is granted unto them &c. In Testimony whereof the Seale of the said County Court is hereto
affixed &c. Thead Depty

Seale of St Marys County Court

Mem.d there Accrued due for Additional Cost upon this Execution one hundred and
fifty pounds of Tobacco. Jesse Thead Depty Clk Court

And now here at this day to wit the 9.th day of April Anno Dom.i 1723 Comes in to his Lord.ps
Provincial Court here the said John Dunbar and Ann his wife Exr as aft.d by Philip Key their Attorney & Say
that it is Manifestly Erred in the record and process aft.d and rendering the Judgment aforesaid &c.
It is Erred in this that Judgment is rendered for the said Dryden ag.t the said John and Ann whereas by
the Law of the Land the Judgment Ought to have been rendered for the said John and Ann ag.t the said
Dryden for which and many other Errors as well in the Record and process aft.d and rendering the Judgment
aft.d the said John and Ann pray that the Judgment aft.d may be reversed and held for now and that they to

(alt.)