April Term 1750

And now here at this Day to wit the Second Tuesday of April being the 10th Day of the same Month Anno Dom. 1750 Comes into Court the Sheriff of St. Marys County to whom the aforegoing Declaration was directed and certifies to the Court here that he delivered a Copy thereof to the Tenant in Possession of the Premises

Whereupon the Plaintiff by his Attorney afs. prays that the said Defend. the Tenant in Possession or those Under whom he Claims to his Declaration afs. may appear and Answer but the said Thomas Troublesome nor the said John Taylor nor any other Person or Persons whatsoever appear to this Declaration according to the rule afs. but make default

Therefore it is Considered by the Justices here that the said Isaac Quiet Lessee of the said Elizabeth Clocker recover against the said Thos. Troublesome his Term to come and expired of in and unto all the afsd Tract or Parcel of Plantable Land called Andrews Freehold otherwise called Sisters Freehold lyng and being in Saint Marys County aforesaid with the Appurtenances containing Seventy Acres and an half Acre of Plantable Land and that he have thereof his Possession against the said Thomas Troublesome And that the said Defend. be taken &c.

Test. R. Buckus Clk

Pd. Ca. Thomas Cole Gar. of John Emmett - - - } By Virtue of his Lordships Writ for Correcting Errors on a Certain
a. } Judgment Obtained by John Risteau against Thomas Cole Gar.
Dd. John Ristean - } of John Emmett before the Justices of his Lordships County Court
} of Baltimore the said Justices Transmit to the Justices of his
} Lordships Provincial Court here the following Record Viz.

At a Court of the Right Honble Charles Lord Baron of Baltimore Absolute Lord and Proprietary of the Province of Maryland and Avalon &c. Begun and held at the Town of Joppa in and for Baltimore County on Tuesday the fourth of August in the thirty third Year of his Lordships Dominion and in the Year of our Lord Seventeen hundred and forty Seven and there Continued untill and held untill the Sixth Day of the same Month by and before his Lordships Justices and other Officers thereunto Authorized & Qualified Viz.

The Worshipfull { John Hall, Wm Bond, Thos. Franklin, John Rasa, Will Young, Wm Smith, Will Smith, Thos Owings, Nath Rigbie, Charles Ridgely } Gent. Justices

Henry Morgan Gent. T. Ristean Clk

In the Records and Proceeding of Baltimore County Court afsd among other things is Contained as follows Viz.

John Ristean a John Emmett } Cond. on Attachment

Comm. was given to the Sheriff of Baltimore County the third day of June Anno Domini Seventeen hundred and forty Seven that of the Goods and Chattels Rights and Credits which were of John Emmett late of Baltimore County Planter within his Bailiwick to be found he should Attach to the Value of Three Thousand three hundred and eight Pounds of Tobacco certain Damages and one Thousand Pounds of Tobacco Costs of Suit Wherein he should have the Same or any part thereof so Attached he should have the same or such part thereof before his Lordships Justices of the County afsd at a Court to be held at the Town of Joppa on the first Tuesday of August then next and there to be Condemned according to the Directions of the Act of Assembly in such Case made and provided to and for the Use of John Ristean as by a Warrant Granted him before the Worshipfull William Young Gent. one of his Lordships Justices of the

(Peace)

April Term 1750

Peace for said County and by good and Lawfull Men of his Bailiwick he was to make known unto each Person or Persons in whose hands or Possession the said Goods Chattles or Credits were if to him or them it should seem meet to be and appear before the Justices afsd at the time and place afsd to shew Cause if any he she or they should have why the Goods Chattles Rights or Credits afsd if Attached as afsd should not be Condemned and Execution thereof had and made as in other Cases of Recovery and Judgment given in Courts of Record and how he was to Execute this Writ he was to make known to the Justices afsd when and where as afsd and that he should have then and there the same &c.

At which said next Court on the same first Tuesday of August Anno Domini Seventeen hundred and forty Seven at Joppa here comes as well the said John Ristean by Joshua George his Attorney as the said Sheriff (to wit Henry Morgan Gent.) who returned the said Precept Indorsed as follows Viz. I hereby Certify to the Worshipfull the Justices within mentioned that in Obedience to the within Writ to me directed I Attached the Sums within mentioned in the hands of Thomas Cole Sen. George Hail Edward Lacy and John Forty as of the Effects of the within John Emmitt for the Use of the within John Ristean And that I made known to said Persons in whose hands I made the same Attachment they be and appear at the time and place within mentioned to shew Cause why &c. So Answers Henry Morgan Sheriff

Whereupon the said John by his Attorney afsd prays the said Sums so as afsd attached in the hands of the said Thomas Cole Sen. may be Condemned in his hands for the Use and to Satisfy unto the said John his Damages and Costs aforesaid

Thereupon the said Thomas Cole Sen. being Solemnly called (as the manner is) to appear and shew Cause if any he had why the Sums afs. so as afsd attached in his hands for the Use of the said John Ristean and as the Effects of the said John Emmitt shall not be Condemned for the Use and to Satisfy as afsd the said John Ristean, but he the said Thomas Cole Sen. does not appear nor any Person for him nor is there any Cause shewn why the same shall not be Condemned for the Use afsd &c.

It is therefore Considered by the Court here That afsd Sums of Tobacco so as afsd attached in the hands of the said Thomas Cole Sen. be Condemned in his hands as the Effects of the said John Emmitt towards Satisfying him the said John Ristean for as well the Sum three Thousand three hundred and eight Pounds of Tobacco his Damages afsd as eight hundred and Ninety eight Pounds of Tobacco his Cost and Charges by him about his Suit in this part laid out and expended &c.

And thereupon Isaac Ristean here present in Court undertakes for the said John Ristean that in Case the said John Emmitt shall appear within the Space of one Year and one day and justify that the said Sum of three Thousand three hundred and eight Pounds of Tobacco was Satisfyed or undue before the laying the said Attachment that then the said John Ristean shall make Restitution unto the said John Emmitt for the afsd Sum of Four Thousand three hundred and eight Pounds of Tobacco so as afsd Attached and Condemned in the hands of the said Thomas Cole Sen. or that he the said Isaac Ristean will do it for him

Nam'd the Plaintiff by his Attorney releases what is Attached in the hands of George Haile Edward Lacey & John Forty

(Balt. Co. Court Seal)

In Testimony that the foregoing is a True Copy from the Records of Baltimore County the Publick Seal thereof is hereunto Annexed this 2d. Day of April Anno Dom. 1748

Talbot Ristean Clk Balt Co.

And now here at this Day to wit the 17th Day of May Anno Dom. 1748 comes here into his Lordships Provincial Court the said Thomas Cole Gar. of the said John Emmitt by Edward Dorsey his Attorney and says That in the Record and Process afs. likewise in the Adjudging the Condemnation afsd in the hands of the said Thomas Cole it is manifestly erred in this to wit that by the Record aforesaid it does appear that the Judgment in Adjudging Condemnation on the Attachment afsd rendered was rendered for the afs. John Ristean against the afsd Thomas Cole Whereas by the Law of the Land that Judgment ought not to

(have)