saith that after the Execution of the Writ of Fieri Facias for him the said Thomas
Caton upon the Goods and Chattles of the aforesaid Stephen Higgins as aforesaid
to wit on the aforesaid tenth day of February seventeen hundred and forty six
aforesaid he the said William as Sheriff of the said County undertook the Execution
of the Writ of Fieri Facias aforesaid of him the said Nicholas Maccubbin upon the
Goods and Chattles of him the said Stephen Higgins within his Bailiwick to wit at
the County aforesaid And the aforesaid William in fact saith that after the Execution
of the Writ of Fieri Facias aforesaid for him the said Thomas Caton upon the Goods and
Chattles of the aforesaid Stephen Higgins as aforesaid there did not remain in his
Bailiwick of the Goods and Chattles of the aforesaid Stephen Higgins to satisfie the
Debt and Damages aforesaid of the aforesaid Nicholas Maccubbin more than to the
Amount of Eight Pounds Sterling Money And the aforesaid William saith that he
the said William afterwards to wit on the aforesaid tenth day of February seventeen
hundred and forty six aforesaid at the County aforesaid as Sheriff of the said County
did by virtue of the Writ of Fieri Facias aforesaid for him the said Nicholas Maccubbin
make of all the rest and residue of the Goods and Chattles of the aforesaid Stephen
Higgins remaining in his Bailiwick unexecuted for the aforesaid Thomas Caton
as aforesaid the sum of eight Pounds Sterling Money and no more towards satisfying
the Debt Damages and Costs aforesaid of the aforesaid Nicholas whereof the
aforesaid Stephen Higgins was as aforesaid convict which sum of eight Pounds
Sterling he the said William at the Return of the said Writ to wit on the second Tuesday
in April in the Year seventeen hundred and forty six before the Justices of the Court
here held at Annapolis to wit at the County aforesaid together with the said Writ
had to render unto the said Nicholas Maccubbin his Debt Damages and Costs
of Suit aforesaid whereof the said Stephen Higgins was as aforesaid convict
so far forth as the said Eight Pounds Sterling should extend as by the said
Writ he the said William was Commanded which sum of eight Pounds Sterling
he the said William as Sheriff of the said afterwards to wit on the Day and Year
last aforesaid at the County aforesaid to him the said Nicholas Maccubbin offered
to pay and deliver but the said Nicholas then and there refused to accept and
receive the same And afterwards to wit on the twentieth day of December seventeen
hundred and forty nine he the said Nicholas Maccubbin for the cause aforesaid
did prosecute out of the Court here to wit at the County aforesaid his Lordships
the Right Honourable the Lord Proprietary that then was his Writ of Capias -

(ad)

ad Respondendum to the then Sheriff of the said County directed and by the said Writ
the said Sheriff of the said County was Commanded to take the aforesaid William
Thornton by the name of William Thornton of Annarundel County Gentleman if he
should be found in his Bailiwick and him safe keep so that he should have his Body
before the Justices of the Court here to be held at Annapolis the second Tuesday of April
then next to answer unto the aforesaid Nicholas Maccubbin of a plea of Trespass -
upon the Case and so forth that thereof he should not fail at his peril and to have
then and there that Writ which Writ was afterwards and before the Return thereof to wit
on the aforesaid twentieth day of December seventeen hundred and forty nine at the
County aforesaid to the then Sheriff of the said County to be executed delivered by virtue
whereof he the said William was afterwards and before the return thereof to wit on
the day and Year last aforesaid at the County aforesaid for the Recovery of the Debt
Damages and Costs of him the said Nicholas Maccubbin so as aforesaid to him the said
Nicholas against the aforesaid Stephen Higgins by the Court here Adjudged and in the
aforesaid Writ of Fieri Facias for him the said Nicholas mentioned) of and from him
the said William was taken and Arrested And afterwards at the Return of the said
Capias ad Respondendum to wit on the second Tuesday of April seventeen hundred
and fifty came into the Court here before the Justices of the said Late Lord Proprietary
to wit at the County aforesaid the aforesaid Nicholas Maccubbin by his Attorney And
the aforesaid then Sheriff of the said County to whom the said Capias ad Respondendum
was directed also came and made Return thereof to the same Court here thus indorsed
to wit Cepi J John Gassoway Sheriff To which Writ the aforesaid William Thornton
then and there by his Attorney appeared And thereupon the said Nicholas Maccubbin
by his Attorney aforesaid complained in the plea aforesaid against him the said William
Thornton for that whereas he the said Nicholas before the Justices of the Provincial Court
to wit at Annarundel County on the ninth day of September in the Year seventeen
hundred and forty six recovered by the Consideration of the said Court against a certain
Stephen Higgins then late of Annarundel County Merchant otherwise called Stephen
Higgins of Annarundel County Merchant one hundred and seventy one Pounds nine
shillings and six pence Sterling Money of Debt and also four hundred and ninety three
Pounds and the half of one Pound of Tobacco for his Damages which he had sustained
as well by Occasion of the Detention of his said Debt as for his Costs and Charges
by him the said Nicholas Maccubbin about his Suit in that Behalf laid out and expended
And afterwards that is to say on the twenty seventh day of September in the Year of

(our)