Ezekiel McDaniel & Elsworth Bayne adms of John McDaniel
vs.
Thomas Mundell.

Be it remembered that, heretofore to wit, on the twenty ninth day of July in the year of our Lord one thousand eight hundred and twenty two the said John McDaniel by John Law Esquire his attorney prosecuted and sued forth out of the Court of Appeals of the State of Maryland for the western shore the writ of said State of Scire facias to the Sheriff of said county directed and which is in the words and figures and of the tenor following to wit:

Maryland Sc. The State of Maryland. To the Sheriff of Prince Georges County Greeting

(Seal) Whereas at a County Court, begun and held at Upper Marlborough Town in and for Prince Georges County, on the first Monday in September in the year of our Lord one thousand eight hundred and seventeen a certain John McDaniel by the judgment of the said Court recovered against a certain Thomas Mundell late of Prince Georges county planter otherwise called Thomas Munnell of Prince Georges County and State of Maryland as well the sum of eight hundred and forty dollars current money a certain debt as the sum of six dollars and ninety one cents and two thirds of a cent for his damages which he had sustained as well by reason of the detention of that debt as for his costs and charges by him about his suit in that behalf laid out and expended, whereof the said Thomas Mundell is convict, as by inspecting the record of proceedings of the same Court brought before the Court of Appeals for the Western Shore, at the City of Annapolis, by reason of errors alleged to have been therein manifest appears. And whereas it hath been adjudged in the said Court of Appeals, at the City of Annapolis aforesaid, on the second Monday in June in the year of our Lord one thousand eight hundred and eighteen that the said judgment, given in form aforesaid, be in all things affirmed and ratified, and that the said John McDaniel might have execution against the said Thomas Mundell for as well the debt, damages costs and charges aforesaid, as adjudged unto him in the said County Court as also for the sum of ten dollars and twenty one cents for his damages costs and charges by him sustained by reason of delaying the execution of the judgment aforesaid, by means of the prosecuting a certain appeal by the said Thomas Mundell before the said Court of Appeals for the correcting of errors of and upon the premises whereof the said Thomas Mundell is convict, as of record it likewise appeareth: and now on the behalf of the said John McDaniel it hath been understood in the said Court of Appeals, that although the judgment thereof is given, yet execution thereof for the debt, damages costs and charges aforesaid, still remains to be made for him, whereupon the same John McDaniel hath sought that a proper remedy be granted him in this behalf: and as it is right that those things which in the said Court of Appeals are lawfully transacted and adjudged should be carried into due and speedy execution, you are therefore hereby commanded that by good and lawful men of your bailiwick, you give notice to the said Thomas Mundell that he be and appear before the County Court to be held at Upper Marlborough in and for Prince Georges County on the first Monday in September next to show if he hath or can say any thing for himself why the said John McDaniel ought not to have execution against him

for the debt, damages, costs and charges aforesaid according to the force form and effect of the recovery aforesaid, if he shall think fit, and further to do and receive what the said County Court shall then and there consider concerning him in this behalf, and have there then the names of those by whom you shall give him notice and this writ. Witness the Honorable Dennis Fenwick Chase Esquire Chief Judge of the said Court of Appeals the thirtieth day of July in the year of our Lord one thousand eight hundred and twenty two.

Issued the 29th day of July 1822. (Law) Th. Harris Clk

At which mentioned first Monday in September being the second day of the same month in the year of our Lord one thousand eight hundred and twenty two, and the day of return of the aforegoing Scire facias comes into the County Court here the said John McDaniel by his attorney aforesaid, and the Sheriff of the County aforesaid, to wit, Thomas Osborne gentleman to whom the said writ of Scire facias was in form aforesaid directed, makes return thereof to the Court here therein endorsed to wit. "Scire feci" Thomas Osborne Shff. And the said Thomas Mundell appears in Court by Alexander Mundell Esquire his attorney. Thereupon the said John McDaniel by his said attorney prays that the said Thomas Mundell may answer to the writ of Scire facias aforesaid. Whereupon it is ordered by the Court here that the said Thomas Mundell answer to the writ of Scire facias aforesaid, and if the said Thomas Mundell doth not answer to the writ of Scire facias aforesaid, execution will be awarded against him in default thereof. And the said Thomas Mundell by his said attorney prays leave of the Court here to imparle until the first Monday in April to answer to the writ of Scire facias aforesaid, and he hath it, the same day is given to the said John McDaniel then &c. At which said first Monday in April being the seventh day of the same month in the year of our Lord one thousand eight hundred and twenty three and the day until which the said Thomas Mundell had leave to imparle and then to answer to the writ of Scire facias aforesaid comes again into the County Court here as well Thomas Mundell by his said attorney as the said John McDaniel by his said attorney and the said Thomas Mundell by his said attorney prays leave of the Court here further to imparle until the first Monday in September next to answer to the writ of Scire facias aforesaid, and he hath it, the same day is given to the John McDaniel also. At which said first Monday in September being the first day of the same month in the year of our Lord one thousand eight hundred and twenty three and the day until which the said Thomas Mundell had had leave to imparle to answer to the writ of Scire facias aforesaid, comes into the County Court here the said Thomas Mundell by his said attorney and also here come Ezekiel McDaniel and Elsworth Bayne by Julius Forest their attorney and suggests to the Court here that since the last continuance of the plea aforesaid, and before this day the said John McDaniel departed this life, and that since the death of the said John McDaniel, administration of all and singular the goods and chattels, rights and credits which were of the said John McDaniel was in due form committed and granted by the Orphans Court of said County to them the said Ezekiel McDaniel and Elsworth Bayne. And the said Thomas Mundell by his said attorney prays leave of the Court here further to imparle until the first Monday in April next to answer to the writ of Scire facias aforesaid, and he hath it, the same day