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Boothe terre. tenants as aforesaid by their attornies aforesaid and the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid by their attornies aforesaid say that their said plea by them secondly above pleaded and the matters therein contained in manner and form as the same are above pleaded and set forth are sufficient in law to bar and preclude the said John Denn Lessee as aforesaid from having or maintaining his aforesaid action thereof against them the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre. tenants as aforesaid and that they the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre. tenants as aforesaid are ready to verify and prove the same when where and in such manner as the said Court here shall direct and award whereforeas much as the said John Denn Lessee as aforesaid hath not answered the said plea nor hitherto in any manner denied the same the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid pray Judgment and that the said John Denn Lessee as aforesaid may be barred from having or maintaining his aforesaid action thereof against them the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid and so forth.- Whereupon all and singular the premises being seen and by the Court here more fully understood and mature deliberation being thereon had it appears to the Court here that the said second plea by the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid in manner and form above pleaded and the matters in the same contained are not sufficient in law to preclude the said John Denn Lessee as aforesaid from having and maintaining his action aforesaid thereof against the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid and so forth and thereupon all and singular the premises on the first issue aforesaid being by the Court here seen heard fully understood and mature deliberation thereupon had for that it appears to the Court here that there is such record of the recovery aforesaid as the said John Denn Lessee as aforesaid in his writ of Scire facias and replication to the said first plea aforesaid above alleges, therefore it is considered by the Court here that the said John Denn Lessee of the said Clement Dorsey have his possession of the said term yet to come of and in the land and premises aforesaid and as well for the damages costs and charges aforesaid in the writ of Scire facias aforesaid specified according to the force form and effect of the recovery aforesaid and it is also considered that the said John Denn Lessee of the said Clement Dorsey recover against the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid the sum of twenty nine dollars and eighty three and one third cents for his costs and charges by him sustained by delay of the possession of the said land and premises whereof the said Elias Boothe Samuel Boothe and Stanislaus Boothe are returned tenants &c. and that he have thereof execution &c.

Memorandum. Before the argument and decission of this case by the Court here the said Elias Boothe Samuel Boothe and Stanislaus Boothe terre tenants as aforesaid by their attornies aforesaid file in Court ~~Court~~ here the following bill of exceptions to wit. The plaintiff to support the issues on his part joined first read in evidence the record of the proceedings of Fifa. and Venditioni Exponas in case of Davidson against George Boothe Garnishee of Saxton.-

Saint Marys County to wit. At a County Court of the State of Maryland for the first Judicial District begun and held at Leonard Town in and for Saint Marys County aforesaid on the first Monday of August being the first day of the same month in the year of our Lord one thousand eight hundred and eight and of the Independence of the united States of America the thirty third.- Were Present,

The Hon'ble. John M. Gantt Esquire Chief Judge
Edmund Key and Daniel Eldridge Esquires Associate Judges.
John McWilliams Esquire Sheriff.- Jo. Harris, Clk.-

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In the record of proceedings of the same Court amongst others were the following word.

Charles Davidson.. agt. George Boothe Garnishee of Raphael Saxton..

Be it remembered that heretofore to wit, on the first day of April in the year of eighteen hundred and eight the said Charles Davidson by Clement Dorsey his attorney prosecuted and sued forth out of the County Court here of and upon a Judgment in the said Court rendered a writ of the State of Maryland of fieri facias to the sheriff of Saint Marys County directed in the words and of the tenor following to wit.

Saint Marys County to wit- The State of Maryland to the sheriff of Saint Marys County greeting whereas at a County Court begun and held at Leonard Town in and for the County aforesaid on the first Monday of March in the year of our Lord eighteen hundred and two a certain Charles Davidson by Judgment of the same Court recovered against a certain Raphael Saxton late of Saint Marys County merchant as well the sum of five hundred pounds current money for his damages which he had sustained by occasion of the non performance of certain promises and assumptions by the said Raphael Saxton to the said Charles Davidson before that time made as the quantity of four hundred and fifty pounds of tobacco for his costs and charges by him about his suit in that behalf laid out and expended whereof the said Raphael Saxton is convict as of record as manifest, and whereas at a County Court begun and held at Leonard Town on the first Monday of August in the year of our Lord eighteen hundred and two the said Charles Davidson by consideration of the said Court had judgment of condemnation on the writ of the said State of Maryland of attachment prosecuted on the Judgment aforesaid against a certain George Boothe as Garnishee of the said Raphael Saxton for as well the damages costs and charges aforesaid being the sums attached in the hands of the said George Boothe by virtue of the said attachment as of the goods chattels and credits of the said Raphael Saxton whereof the said George Boothe Garnishee as aforesaid is convict as it likewise appeareth of record. and whereas also at a County Court begun and held at Leonard Town on the first Monday of August in the year of our Lord eighteen hundred and seven it was considered that the said Charles Davidson should have his execution against the said George Boothe Garnishee as aforesaid as well for the damages costs and charges aforesaid as also for the sum of six dollars and sixty three cents which to the said Charles Davidson in the said Court was adjudged for his costs and charges which he had sustained by delay of the execution aforesaid whereof the said George Boothe is convict as it likewise appeareth of record- Therefore you are hereby commanded that of the goods and chattels lands and tenements of the said George Boothe in your Bailiwick you cause to be made the damages costs and charges aforesaid and have you those sums before the said County Court to be held at Leonard Town on the first Monday of August next to render unto the said Charles Davidson the damages costs and charges aforesaid; hereof fail not at your peril and have you then and there this writ- witness John M. Gantt Esquire Chief Judge of the first Judicial District the 12th. day of March 1808. Issued the 1st day of April 1808.- (C. D.)- Jo. Harris, Clk.

On the back of the aforegoing fieri facias was thus endorsed to wit; To be released on Judgment of £34 11. 2¼ Damages current money with interest from 8th. of June 1800 till paid and costs.-

And now here at this day to wit the said first Monday of August in the year of our Lord one thousand eight hundred and eight and the return day of the foregoing writ comes into Court here the said Charles Davidson by his attorney aforesaid and the sheriff of the County aforesaid to whom the said writ was in form aforesaid directed makes return thereof to the Court here thus endorsed to wit. Levd. as per schedule and on hand for want of bidders