our said Court we have understood that although Judgment thereon hath
been rendered, yet Execution of that Judgment for the damages, Costs and
charges aforesaid still remains to be made to them – And Whereas also
Stephen Stewart of Baltimore County aforesaid Yeoman before the rendering
the Judgment aforesaid in our said County Court before Andrew Buchanan
Gentleman and his associates then Justices thereof did come in his proper person
and undertook, and become pledge and Bail for the aforesaid Philip Thomas
that if it should happen that the said Philip Thomas at the suit of the
aforesaid Thomas and John in the plea aforesaid should be convicted then the
said Stephen Stewart granted that all such damages, Costs and Charges, which
to the said Thomas & John in this part should be adjudged of his Lands and
Chattels shall be made to and for the use of the said Thomas and John
to be levied if it should happen that the said Philip the Damages, Costs and
charges aforesaid to the aforesaid Thomas and John should not pay or his
Body to the prison and Custody of the Sheriff of Baltimore County aforesaid
on that occasion render according to the form and effect of the same
recognisance – Nevertheless the said Philip Thomas the Damages Costs
and Charges aforesaid to the said Thomas and John hat not yet paid nor
his Body to the prison and Custody of the Sheriff of Baltimore County aforesaid
on that occasion rendered as from the Suggestion of the said Thomas and
John in our said Court we have understood wherefore the said Thomas and
John have besought us to grant them their proper remedy in this part
and we being willing that what is Just in this part should be done
Command you that by Good and Lawful Men of your Bailiwick you
make known unto the aforesaid Stephen Stewart that he be and appear before
our Justices at our County Court to be held for Baltimore County aforesaid
at the Court House in the same County on the Monday before the first
Tuesday in March next to shew if any thing for himself he hath or can
say why the said Thomas and John Execution against him of the
Damages, Costs and Charges aforesaid to have ought not according to the
force form and effect of the recognisance and recovery aforesaid if to him
it shall seem meet and further to do and receive all and singular such
things as our said Court of and concerning him then and there shall
consider in this part and have you there then the names of those by
whom you shall make the same known unto him and this Writ –
Witness Peter Shepherd Gentleman, presiding Justice of our said Court
the 14th day of November in the year of our Lord Christ one thousand
seven hundred and eighty five –

N.B. Issued on the 28th day of November 1785 – W Gibson Clk

At which said Monday before the first Tuesday in March

in the year of our Lord One thousand seven hundred and eighty six, cometh
the said Thomas Langton and John Aget by Richard Ridgely their Attorney –
And now here also cometh the Sheriff of Baltimore County to whom the aforesaid
Writ of Scirefacias was directed to wit, Philip Graybell Gentleman who maketh
return thereof to the Court now here thus Endorsed –

Made known before James Long and Thomas Rutter Just. 13 Decr. –

Philip Graybell, Shff.

And Now here, at this day, to wit, the Monday before the first Tuesday
in March in the year of our Lord One thousand seven hundred and eighty
seven, comes again as well the said Thomas Langton and John Aget by
their said Attorney, as the said Stephen Stewart by David McMechen his
Attorney – To which day the said Stephen Stewart had license to Imparle
and then to shew cause and so forth – And whereupon the said
Thomas Langton and John Aget by their said Attorney pray that the
said Stephen Stewart may shew cause if any thing for himself he hath
or can say why the said Thomas Langton and John Aget Execution
against him of the Debt, Damages, Costs and charges aforesaid to have ought
not according to the force, form and effect of the recognizance and recovery
aforesaid – Whereupon the said Stephen Stewart by his said Attorney
saith nothing in bar or delay of the Execution aforesaid of them the said
Thomas Langton and John Aget – whereby the same Thomas Langton and
John Aget remains thereof against him wholly undefended – Therefore it
is considered by the Court now here that the said Thomas Langton
and John Aget have Execution against the said Stephen Stewart for the
Debt, Damages, Costs and charges aforesaid of his Goods and Chattels, Lands
and Tenements to be levied according to the force, form and effect of
the Recognition and recovery aforesaid – And it is further
considered by the same Court here that the said Thomas Langton and
John Aget recover against the said Stephen Stewart four hundred and
ten pounds of Tobacco to the said Thomas Langton and John Aget by
the same Court here adjudged for their Costs and Charges which they
have sustained by reason of the delay of the Execution of the Judgment
aforesaid according to the form of the Statute in such case lately
made and provided – And the same Thomas Langton and John Aget
have thereof likewise Execution and so forth –

And now here afterwards, to wit, on the sixth day of August
seventeen hundred and eighty seven the said Stephen Stewart produces
to the Court of the County aforesaid the State of Maryland's Writ of
Error closed in the words and figures following viz. –