October Term 1794.

Were Present

The Worshipful | Joshua Seney Esquire Chief Justice
Nicholas Ridout, Samuel Ridout | Esquires Associate Justices

William Goldsmith Gent. Sheriff Nich. Harwood Clk.

In the Record and proceedings of the same Court is the following, to wit

Nicholas Watkins against John Lester Garnee of William Young

Memorandum. The Plaintiff sued out the State Writ of Scire-facias, the tenor whereof follows in these words, to wit. Anne Arundel County Set." The State of Maryland, To the Sheriff of Anne Arundel County Greeting: Whereas at a County Court held at the City of Annapolis in and for the County aforesaid on the first Monday of August seventeen hundred and ninety, before Nicholas Worthington Gentleman presiding Justice of our said Court, and others his Associates then Justices of the same Court, a certain Nicholas Watkins by consideration of the same Court obtained Judgment of condemnation against a certain John Lester on a certain Writ of Attachment prosecuted by the same Nicholas Watkins against William Young late of Anne Arundel County, for the sum of six pounds five Shillings Current money certain damages, and three hundred and sixty five pounds of Tobacco Costs of Suit, of the effects of the said William Young, and that the said Nicholas Watkins should have thereof his Execution against the said John Lester according to Act of Assembly & so forth, as by the Record and proceeds thereof in our said Court remaining, manifestly appears. And whereas Execution of the said Judgment still remains to be done as by the information of the said Nicholas Watkins we have received And we being willing that those things which in our said Court are rightly done and transacted should be brought to a due Execution; command you that by good and lawful Men of your bailiwick you make known unto the said John Lester that he be and appear before the Justices of our County Court to be held at Annapolis on the third Monday of April next, to shew cause if any thing for himself he hath or knoweth to say, why the said Nicholas Watkins Execution of the said Sums of six pounds five Shillings Current money and three hundred and sixty five pounds of Tobacco against him according to the form of the recovery aforesaid he ought not to have if to him it shall seem meet, and have you then and there the names of those by whom you make the same known and this Writ, Witness Benjamin Nicholson Esquire Chief Justice of our said Court the 16th day of September 1791.

Issued the 26th December 1791 Lpd. Nich: Harwood Clk

At which said third Monday in April, to wit, the 16th day of the same Month in the year seventeen hundred and ninety two being the day of the return of the aforegoing Writ, comes here the said Nicholas Watkins by Gabriel Duvall his Attorney, and the Sheriff of Anne Arundel County to whom the aforegoing Writ was directed, likewise comes and makes return thereof thus endorsed, to wit "made known William Goldsmith Sheriff" And the said John Lester Garnishee of William Young by Joshua Dorsey his Attorney comes, and saving to himself all manner of Advantages to the

Writ

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Writ of Scire facias aforesaid prays leave to imparle hereunto until next Court, and he hath it, and the same day is given to the Plaintiff also.

At which said next Court, to wit, the third Monday in September seventeen hundred and ninety two come again the said parties Plaintiff and Defendant by their Attornies aforesaid, and the said Defendant by his said Attorney prays further leave to imparle hereunto until next Court, and he hath it; the same day is given to the Plaintiff also—

At which said next Court, to wit, the third Monday in April seventeen hundred and ninety three come again as well the said Nicholas Watkins by his Attorney aforesaid as the said John Lester Garnishee aforesaid by his Attorney aforesaid, and the said John Lester by his Attorney aforesaid comes and defends the force and Injury when and so forth, and saith that the said Nicholas his Execution for the Damages and Costs aforesaid against him ought to have not, because he saith, that there is no such Record of the Condemnation aforesaid for the Damages and Costs aforesaid upon the Attachment aforesaid, as the said Nicholas by his Scire facias aforesaid supposes, and this he is ready to verify. Wherefore he prays Judgment if the said Nicholas his Execution aforesaid for the damages and Costs aforesaid, to have ought and so forth. And the said John by leave of the Court further defends the force and injury when and so forth, and saith that the said Nicholas his Execution aforesaid for the damages and Costs aforesaid to have ought not, because he saith that after the condemnations aforesaid in the said Scire facias mentioned and before the issuing the said Scire facias he paid to the said Nicholas the damages and Costs in the said Scire facias mentioned, and this he is ready to verify, Wherefore he prays Judgment if the said Nicholas his Execution aforesaid for the damages and Costs aforesaid ought to have and so forth. And the said John by leave of the Court further defends the force and injury when and so forth, and says that the said Nicholas his Execution aforesaid for the damages and Costs aforesaid to have ought not because he saith that he paid to the said William Young in the said Scire facias mentioned the Sum of seven pounds two Shillings and six pence in full of all debts, dues, and demands from him the said John to the said William Young on the twenty eighth day of November seventeen hundred and ninety at Anne Arundel County, and this he is ready to verify. Wherefore he prays Judgment if the said Nicholas his Execution aforesaid for the damages aforesaid to have ought and so forth. And the said Nicholas Watkins saith that he by anything by the said John Lester above in pleading alleged ought not to be precluded from having his Execution aforesaid against him the said John Lester, because he saith, that there is such Record of the Adjudication of the Execution of Judgment against the said John Lester for the damages and Costs aforesaid as by the said Writ of Scire facias mentioned as he the said

Nicholas