and two pounds two shillings and five pence half penny Current money with Interest thereon from the sixth day of April seventeen hundred and Eighty six for his damages which he hath sustained as well by reason of the nonperformance of certain promises and assumptions by him the said John Elder Gist to the said John Eager Howard made, as also nine hundred and seventy one & two fifths pounds of Tobacco for his Cost and charges by him about his suit in that behalf laid out and expended, whereof the said John Elder Gist is convicted as it plainly appears to us on record: and now on behalf of the said John Eager Howard in our said Court, before us we have understood, that although the Judgment aforesaid in form aforesaid is given yet execution for the damages Cost and charges aforesaid still remains to be made for him wherefore the said John Eager Howard hath besought us to grant him a proper remedy in this behalf and we being willing that what is just in this behalf should be done command you that by good and lawful men of your bailiwick you give notice to the said John Elder Gist that he be before the Judges of our General court to be held at the City of Annapolis on the second Tuesday of October next to shew if he know or can say any thing for himself why the said John Eager Howard ought not to have his execution against him ~~thereof~~ for the damages, Cost, 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 our said 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 Samuel Chase Esquire chief Judge of our said Court the 1st day of June Anno Domini 1793.

Issued the 12th day of June 1793.

Rd. Jno Gairner Clk

At which said second Tuesday of October being the Eighth day of the same month in the year of our Lord one Thousand Seven hundred and ninety three and the day of the return of the aforegoing writ, comes into the general Court here the said John Eager Howard by his attorney aforesaid and the sheriff of Dorchester County to whom the said writ was in form aforesaid directed makes return thereof to the Court here thus endorsed to wit.

Made known - so answers Chas. Hodson shff Dr Cty

And the said John Elder Gist by Luther Martin his attorney appears in Court here. And thereupon on motion of the said John Eager Howard by his attorney aforesaid It is ruled by the Court here that the said John

(Elder)

Elder Gist answer to the scire facias aforesaid in the plea aforesaid or Judgment by the Court here will be rendered against him in default thereof: and the said John Elder Gist by Luther Martin his attorney saith that the said John Eager Howard his execution of the damages Cost and charges aforesaid against him to have ought not because he saith that there is no such record of the recovery of the Damages Cost and charges aforesaid against the said John Elder Gist in the general Court aforesaid there remaining as the said John Eager Howard in his said Writ of Scire facias hath alledged and this he is ready to verify wherefore he prays Judgment if the said John Eager Howard his Execution aforesaid against him to have ought. and the said John Elder Gist by the leave of the court here first had according to the form of the Statute in such Case made and provided by his said attorney further saith that the said John Eager Howard his execution aforesaid against him to have ought not because he saith that he the said John Elder Gist after the obtaining the Judgment aforesaid and before the day of the impetration of the writ of scire facias of the said John Elder Gist did well and truly pay unto the said John Eager Howard as well the aforesaid sum of Three hundred and two pounds two shillings and five pence half penny current money with the Interest thereon from the sixth day of April seventeen hundred & Eighty six as also the quantity of nine hundred and seventy one and two fifths pounds of Tobacco aforesaid in full satisfaction of the Judgment aforesaid and this he is ready to verify wherefore he prays Judgment if the said John Eager Howard his execution aforesaid against him to have ought.. Thereupon further process of and upon the premises aforesaid between the parties aforesaid by order of the Court here thereon is continued untill the second Tuesday of October next.

At which said second Tuesday of October being the fourteenth day of the same month in the year of our Lord one Thousand Seven hundred and ninety four. Come again into the general Court here the parties aforesaid by their attorneys aforesaid. Thereupon further process of and upon the premises aforesaid between the parties aforesaid by order of the Court here thereon is further continued untill the second Tuesday of May next.

At which said second Tuesday of May being the twelfth day of the same month in the year of our Lord one Thousand Seventeen hundred and ninety five: Come again into the General Court here the parties aforesaid by their attorney aforesaid. Thereupon for the process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and by order of the Court here thereon is further continued untill the second Tuesday of October next.

(At)