April Term 1707.

John Bowman
William French and
John Crawford
against
John Darby

Be it remembered that heretofore to wit: the eleventh day of March in the year seventeen hundred and eighty six, Command was given to the Sheriff of Dorchester County, that he should take John Darby late of Dorchester County, Planter, if he should be found in his Bailiwick, and him safe keep, so that he might his body before the Judges of the General Court at the next Court to be held for the Eastern Shore of this State at Talbot County Court House the second Tuesday of April next to answer unto John Bowman, William French, and John Crawford of a plea, that he render unto them, the sum of two hundred and sixty five pounds current money of Maryland which to them he owes and unjustly detains and so forth. and that thereof he the said Sheriff should have then and there that writ &c.

At which said second Tuesday of April Anno Domini, One thousand seven hundred and eighty six, being the day of the return of the aforegoing writ, came John Bowman, William French and John Crawford by Robert Goldsborough their Attorney and the Sheriff of Dorchester County, to whom the same writ was directed, likewise came and made return thereof to the Court here thus endorsed to wit ——— "Cepi Languidum Thomas Lockerman Sheriff" ——— And the said John Darby being called upon appeared; thereupon at the prayer of the said John Bowman, William French and John Crawford by their Attorney afor: the aforesaid John Darby was adjudged to give special Bail to the action afor: Thereupon a certain Edward Smith of Dorchester County present here in Court undertakes for the said John Darby that in case the said John Bowman, William French and John Crawford shall recover Judgment against the said John Darby in the plea aforesaid or that he the said John Darby shall be therein legally convicted that then the said John Darby shall pay the condemnation of the Court thereupon or render his body to the Custody of the Sheriff of the County aforesaid; in satisfaction thereof, or that he the said Edward Smith

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will do the same for him: Thereupon further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their attorneys aforesaid, and by Order of the Court here, thereon, was continued until the second Tuesday in September next following. ———

At which said second Tuesday of September Anno Domini One thousand seven hundred and eighty six, here came the said John Bowman, William French and John Crawford by their attorney aforesaid, and said that the said John Darby was dead, and that he died since the last Continuance, to wit on the day of at County, leaving and appointing a certain Executrix of his last Will and Testament: and prayed the Court to direct a summon to issue for the said Executrix as aforesaid, commanding her to be and appear at the next General Court, and become Defendant in this Cause; and it was granted unto them: and thereupon further process of and upon the premises aforesaid by order of the Court here thereon had was continued until the second Tuesday of April next following. ———

And now here at this day to wit: the said second Tuesday of April Anno Domini One thousand seven hundred and eighty seven, Command is given to the Sheriff of Dorchester County, that he should summon Executrix of a certain John Darby late of Dorchester County, deceased, that all excuses and delays set aside she be and appear before the Judges of the General Court; to be held for the Eastern Shore of this State, at Talbot County Court house this present April Term, and there and there agreeable to an act of Assembly in such case lately made and provided, cause her self to be made Defendant in the place of the aforesaid John Darby deceased, at suit of John Bowman, William French and John Crawford, and that he should not thereof fail at his Peril: and now come the aforesaid John Bowman, William French and John Crawford by their Attorney aforesaid, but the Sheriff of the County afor: come not, nor makes return of the summons aforesaid; Nevertheless the said Executrix of the aforesaid John Darby deceased, by Gustavus Scott her attorney voluntarily come here into Court, and saith that she cannot deny the action aforesaid, of the said John Bowman, William French and John Crawford nor but that she had, at the day of