Day was given as well to the said John Merryman as to the said John Evans until the second Tuesday of September then next following – And now here at this day, to wit, the second Tuesday of September seventeen hundred and ninety, come again the parties aforesd by their Attorneys aforesaid: And the said John Merryman by his Attorney aforesd saith that he ought not to be precluded from having or maintaining his said Action against the said Evans by any thing in his plea above alledged, because he saith that the said Evans did not pay to him the John Merryman the said sum of money in the Condition of the of the said writing obligatory mentioned together with the Interest which had accrued thereon according to the tenor and effect of the said Condition in manner and form as the said Evans by his plea aforesd hath above alledged, and this the said John Merryman prays may be enquired of by the Country, and the said Evans in like manner and so forth" – Whereupon the said John Evans by his Attorney aforesd relinquishing the Avowment above by him pretended, saith that he cannot gainsay the Action aforesd of the said John Merryman, nor but that the writing obligatory aforesd is Deed of him the said John Evans, nor but that he owes unto the said John Merryman the said sum of four hundred and eighty nine pounds eleven shillings and four pence current money in manner and form as the said John Merryman above against him hath complained: Therefore it is considered by the Court here, that the said John Merryman do recover against the said John Evans his Debt aforesd in form aforesd acknowledged: as also the Quantity of five hundred and ninety one pounds of Tobacco, as well for his Damages which he hath sustained by occasion of the detention of that Debt, as for his Costs and Charges by him about his suit in this behalf expended unto the said John Merryman by the Court here with his Consent adjudged, and the said John Evans in mercy and so forth –

James Earle Clk.

Judgment was confessed in this Action on the seventeenth day of September seventeen hundred and ninety for Penalty and Costs: Penalty to be released on payment of Principal, Interest and Costs – Stay of Execution till April Term then next following –

Nathan Calhoon
a
George Howard &
Stephen Marshall

Memorandum, the Defendants in this Cause by William Hayward their Attorney sued out the State of Maryland's Writ of Habeas Corpus the tenor whereof ensueth in the following words and figures, to wit:

The State of Maryland, &c. – To the Justices and Sheriff of Somerset County, Greeting – Whereas a certain George Howard and Stephen Marshall are detained in the prison of our said County, under the Custody of you our said Sheriff, at the suit of a certain Nathan of a plea of Debt: which said plea as it is said, still depends before you, our said Justices undetermined; and we being willing for divers causes, that the plea aforesaid undetermined as aforesd should be heard and determined before the Judges of our General Court: therefore we command you that you have the bodies of the said George Howard and Stephen Marshall by whatsoever name or names they may be called in the plea aforesaid, together with the cause of their caption and detention, and all things thereunto relating, before the Judges of our General Court, to be held for the Eastern Shore of this State, in Talbot County, at the Court House in the same County, the second Tuesday of September next, that our said Judges of our said General Court, may further proceed therein, as to Justice appertains and so forth – Witness fail not at your peril, and have you then and there this Writ – Witness the Honorable Robert Hanson Harrison, Esquire, Chief Judge of our said Court this sixth day of May Anno Domini 1789 – Issued the 21st day of August Anno Domini 1789 –

Test. James Earle Clk.

At which said second Tuesday of September seventeen hundred and eighty nine, being the day of the return of the aforegoing Writ, the Justices and Clerk of Somerset County, in compliance with the said Writ, made return thereof to the Court here with the following Record annexed, to wit:

Ex. the Records and Proceedings of Somerset County Court it contained as follows – Somerset County, to wit: At an adjourned June Court held at Princess Ann Town in and for Somerset County aforesd on Monday the twenty fourth day of August Anno Domini one thousand seven hundred and eighty