lings and Tenpence and Quantity of Sixhundred and forty two pounds of Tobacco in full satisfaction and discharge of the Judgment aforesaid and this the same John Leatherbury is ready to verify. Wherefore he prays Judgment if the said John & William Hayward Executors aforesaid ought to have their Execution aforesaid against him for the Debt Damages Costs aforesaid or any part thereof &c. And the said John Leatherbury by his Attorney relinquishes the plea aforesaid above by him pretended and says that he cannot deny but that he owes the said John & William Hayward Executors as aforesaid the same of Twenty & Quantity of Tobacco mentioned the foregoing Writ of Scire Facias &c. Therefore it is considered by the Court here that the said John & William Executors aforesaid have their Execution against the said John Leatherbury for as well the Debt Damages Costs & Charges aforesaid in the Writ of Scire Facias mentioned and also the costs of this suit by him about their aforesaid in the premises aforesaid as the Quantity of five hundred and twenty three pounds of Tobacco with the said John & William on their appeal adjudged by the same Court for his costs and Charges which he hath sustained by reason the delay of the Execution of the Judgment aforesaid and the said John Leatherbury in mercy &c.

James Tilghman Clk

Fiat on the fifteenth day of September Anno Domini 1796 Stay of Execution till the next Court Payments if any to be allowed since the Original Judgment

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State of Maryland use of Thomas Hayward against John Leatherbury

Be it Remembered that on the State by Thomas James Pattison her Attorney sued out of the General Court the following Writ of Scire Facias to wit Seal The State of Maryland to the Sheriff of Somerset County Greeting Whereas at a General Court held at Easton the second Tuesday of April Anno Domini Seventeen hundred and ninety four before the honorable Samuel Chase Esquire Chief Judge and Other his Associates, then Judges of the same Court the State of Maryland did recover against a certain John Leatherbury late of Somerset County for as well the Debt of Twenty of two hundred Thousand pounds of Crop Tobacco aforesaid Debt as also the Quantity of Sixhundred and thirty three pounds of Tobacco which by Consideration of the same Court were then and there adjudged unto the said State of Maryland for her Damages sustained as well by Occasion of the detention of that Debt as for as further costs and Charges by her about her suit in that behalf laid out and expended as by the Record and process thereof in our said Court remaining likewise manifestly appears. And Whereas the said John Leatherbury hath not paid the consideration of the said recovery aforesaid nor rendered his Body to the Custody of the Sheriff of Somerset County in satisfaction thereof as by the mandate of the same State of Maryland we have received, and because

we Will that those things which in our said Court are rightly done and Transacted should be brought to due execution We command you that by good and lawfull men of your Bailiwick you make known unto the said John Leatherbury that he be and appear before the Judges of our General Court to be held at Easton the second Tuesday of April next to show Cause if any he hath or know the why the said State of Maryland should not have her Execution of the said Debt Damages and Costs aforesaid against the said John Leatherbury according to the Recovery aforesaid against the said John Leatherbury as it doth seem or ought and have you there and there the Names of those by whom you shall make the same known unto him and this Writ. Witness the honorable Samuel Chase Esquire Chief Judge of our said Court the 8th day of September Anno Domini 1795 and the 16th day of February 1796 Test James Tilghman Clk

At which said second Tuesday of April Anno Domini 1796 comes here in Court the said State by her Attorney aforesaid and the Sheriff of Somerset County by whom the said Writ was made and executed sworn by return thereof the Court here thereupon ordered it to be made known by Benjamin Wailes Esq. Jos Ballard to answers Jam Ballard Sheriff. Whereupon comes here into Court the said John by Benjamin Pashel his Attorney and on motion on the said State by her Attorney it was ruled by the Court here that the said John should answer to the Writ of Scire Facias aforesaid and the said John by his Attorney defends the force and injury when &c. and prays leave of the Court here to imparle until the next Court to answer to the Writ of Scire Facias aforesaid and he hath it the same day is also given to the said State therein &c. At which said next Court to wit on the second Tuesday of September Anno Domini 1796 comes again the parties aforesaid and the said John by his Attorney defends the force and injury when &c. and says that the said State ought not to have her Execution against him the said John for the Debt Damages Costs aforesaid or any part thereof because he says that after the recovery of the Judgment aforesaid in the Writ of Scire Facias mentioned and before the suing of the said Writ of Scire Facias to wit on the [illegible] day of [illegible] in the year of our Lord seventeen hundred and [illegible] at the County aforesaid he the said John Leatherbury paid to the said State, the said Quantity of two hundred Thousand pounds of Crop Tobacco aged and condemned and thirty three pounds of Tobacco in full satisfaction and discharge of the Judgment aforesaid and this the said John Leatherbury is ready to verify. Wherefore he prays Judgment of the said State ought to have her Execution aforesaid against him for the Debt, Damages, Costs aforesaid or any part thereof &c. And the said John by his Attorney relinquishes the averment above by him pretended and says that he hath nothing to say why the said State should not have her Execution against him the said John for the Debt Damages Costs and Charges in the Writ of Scire Facias mentioned