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And the said Edward Stevens the Tenant in possession of the premises, by William Bond Martin and Nicholas Hammond his attorneys, came here into Court and defended the force and injury when &c. and prayed the liberty of imparling thereof until the second Tuesday of September then next following and it is granted unto him: the same day was given to the said John Scott there &c. At which said second Tuesday of September Seventeen hundred and ninety six, come again into Court here the said Parties by their said Attorneys, and the said Richard Smith Lessee of the plaintiff by his Attorney, prays that the Court may issue a Warrant directed to the Sheriff & Surveyor of the County aforesaid to lay down the Lands in the declaration of Ejectment aforesaid mentioned, and the same is accordingly done; And the said Edward Stevens by his Attorneys aforesaid defends the force and injury, when & wherefore, and takes defence according to their pretensions as they shall appear to be laid down in the return of the warrant of Resurvey issued in this cause and entered into the common rule, and prays leave to imparle hereunto until next Court and they had it, the same day was given to the plaintiff also.— At which said next Court, to wit, the second Tuesday of April seventeen hundred and ninety seven, came again into Court the Parties aforesaid, by their Attorneys aforesaid, whereupon leave was given by the Court here, with consent of the parties, & their Attorneys, to complete the Survey under the warrant aforementioned— and thereupon the action aforesaid was continued until the next Term following— At which said next Term, to wit, the second Tuesday of September seventeen hundred and ninety seven, came again into Court here the Parties, by their Attorneys aforesaid, whereupon leave was again given by the Court, with consent of the Parties and their Attorneys, to complete the Survey under the warrant aforementioned, and the said Edward Stevens by his attorneys aforesaid, defends the force and injury when and wherefore, and saith that he is in nowise guilty of the Trespass and Ejectment aforesaid as the said John Scott's Lessee against him hath complained, Wherefore for trying the issue aforesaid, Command is given to the Several Sheriffs for the Eastern Shore of this State, to cause to come here on the second Tuesday of April then next following, before the Judges of the General Court twelve &c. by whom &c. who neither &c. to recognize &c. because as well &c. and thereupon this cause was continued until the second Tuesday of April then next following— And now here at this day, to wit, the second Tuesday of April seventeen hundred and ninety eight came again into Court here the parties aforesaid by their Attorneys aforesaid, Whereupon for trying the issue aforesaid, it is ordered by the Court here that twenty persons from the Panel of Petit Jurors returned to the Court here by the Several Sheriffs of the different Counties of the Eastern Shore be drawn by Ballot, and written upon two Lists, one of which said Lists is delivered to the Counsel for the respective parties, and the Counsel for each of the said Parties having struck out four persons from the said Lists, thereupon the remaining twelve persons being called, come; that is to say, John Harwood, Caleb Boyer, John Hollingsworth, David Whiting, Henry Darden, George Dorman, William Tilghman, Peter Dashiell, Henry Downes, Edward Walters, Mitchell Refuseu and Peter Wells who being empannelled and sworn to say the truth in the premises, upon their oath do say that the said Edward Stevens is not guilty of the Trespass and Ejectment aforesaid, in manner and form as the said John Scott's Lessee within complains against him: Therefore it is considered by the Court here that the said Richard Smith Lessee of John Scott take nothing by his Writ aforesaid except the Lands indefended by the casual Ejector, but that he and his pledges of prosecuting, to wit, John Doe and Richard Roe be merry &c. and it is further considered by the same Court that the said Edward Stevens do recover against

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the said Richard Smith Lessee of John Scott the Quantity of nine hundred and thirty eight pounds of Tobacco for his Costs and Charges by him about his defence in this behalf expended; to the said Edward Stevens by the Court here with his Assent adjudged &c. And that the said Edward Stevens have thereof his Execution &c.

James Earle Clerk.

James Somerville & William Duguid against James Frazier

Be it remembered that on the nineteenth day of August seventeen hundred and ninety six, Command was given to the Sheriff of Dorchester County that he should take James Byus and James Frazier of late of Dorchester County, Merchants, if they should be found in his Bailiwick and them safe keep, so that he might have their Bodies before the Judges of our General Court, to be held at Easton, in Talbot County, the second Tuesday in September then next following, to answer unto James Somerville and William Duguid of a plea of Trespass upon the case &c. And that he the said Sheriff should not fail thereof at his Peril, and should have then and there that Writ. At which mentioned day, to wit, the second Tuesday of September seventeen hundred and ninety six, came into Court here the said James Somerville and William Duguid by Nicholas Hammond their Attorney, and the Sheriff of the County aforesaid, to show the said Writ was directed likewise came, and made return thereof to the Court here thus endorsed, to wit— N. Est Byus. Capi. Frazier. Tho. Foster Sh.

And the said James Frazier being called appeared in Court here by Henry Maccomas and William Bond Martin his Attorneys; And thereupon on motion of the said James Somerville and William Duguid by their Attorney aforesaid, it was ruled by the Court here that the said James Frazier give Special Bail in the plea aforesaid. Whereupon a certain Alexander Smith of Dorchester County came here into Court in his own proper person and becomes plege and bail for the said James Frazier that if it should happen that that the said James Frazier should be convicted at suit of the said James Somerville and William Duguid in the plea aforesaid then the said Alexander Smith consents, that as well the debt aforesaid as also such Damages, Costs and Charges as should be adjudged unto the said James Somerville and William Duguid in this behalf, shall be made of his body, lands and chattels, and levied to the use of the said James Somerville and William Duguid, if it should happen that the said James Frazier should not pay the said Debt, Damages, Costs and Charges or render himself to the prison and Custody of the Sheriff of the County aforesaid on that occasion— Whereupon further process of law 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 further continued unto the second Tuesday of April then next following.— At which said second Tuesday of April seventeen hundred and ninety seven came again into Court here the parties aforesaid by their Attorneys aforesaid, and the said James Somerville and William Duguid by their Attorney aforesaid declared against the said James Frazier in the plea aforesaid in manner and form following, to wit—

The Eastern Shore of Maryland, Dorchester County, to wit. James Frazier late of Dorchester County, was attached to answer unto James Somerville and William Duguid of a plea of Trespass upon the case &c. And whereupon the same Somerville and Duguid by Nicholas Hammond their Attorney complain that the said James Frazier and a certain James Byus, concerning whom the Sheriff of Dorchester County aforesaid, to whom the original Writ in this cause was directed, lately returned that he the said James Byus was not to be found in his Bailiwick, after the first day of May in the year seventeen hundred and ninety six, at Lower Marlborough, to wit, at Dorchester County aforesaid, did draw their certain Note in writing, called a promissory Note, bearing date the day and year last aforesaid, with their proper Names and hands thereto subscribed and the said Note, to the said Somerville and Duguid then and there did deliver, and by the same Note did promise to pay unto the said James Somerville and William Duguid, by the names