Judgments.

Thomas Palmer against Simon Milner and Mary his wife Exrs of John Crockett

Be it remembered that on the twenty fifth day of January in the year of our Lord one thousand seven hundred and ninety six, Command was given to the Sheriff of Kent County to take Simon Milner late of Kent County Gentleman, and Mary his wife, Executrix of the last Will and Testament of John Crockett, deceased, if they should be found in his Bailiwick, and them safe keep, and should have their bodies before the Judges of our General Court to be held at Easton, in Talbot County, the second Tuesday of April then next following to answer unto Thomas Palmer in a plea of Trespass on the case &c. And that he the said Sheriff should not fail thereof at his Peril, and should have then and there that Writ &c. At which said second Tuesday of April Seventeen hundred and ninety six, being the day for the return of the aforegoing Writ, came into Court the said Thomas Palmer by Thomas James Bullitt Esquire his Attorney and the Sheriff of the County aforesaid, to whom the said Writ was directed, likewise came, and made return thereof to the Court then endorsed to wit. — Cepi Corpora, C. Hall Sheff — And the said Simon Milner and wife Executrix as aforesaid, being called, appeared in Court by William Barrol Esquire their attorney, and prayed the benefit of imparling thereof, to the action aforesaid until the next Term, and it was granted unto them, the same day was given to the said Thomas Palmer there &c. At which said next Term, to wit, the second Tuesday of September Seventeen hundred and ninety seven, came again into Court the Parties aforesaid by their Attorneys aforesaid; And the said Thomas Palmer by his attorney aforesaid, declared against the said Simon Milner and Mary his wife Executors of John Crockett in the plea aforesaid in manner and form following, to wit — State of Maryland Eastern Shore, Kent County, to wit Simon Milner, late of Kent County Gentleman, and Mary his wife, Executrix of the last Will and Testament of John Crockett, deceased, were attached to answer unto Thomas Palmer in a plea of Trespass on the case &c. — And whereupon the same Palmer by Thomas James Bullitt his Attorney, complains, that whereas the same John Crockett in his lifetime, after the first day of May in the year of our Lord seventeen hundred and five, to wit, on the fourth day of March in the year of our Lord seventeen hundred and eighty nine, at the County aforesaid, made his certain Note in writing with his own proper hand thereto subscribed, called a promissory Note, bearing date the same day and year last aforesaid, and thereby promised to pay or cause to be paid unto a certain William Macarty, or order, the sum of one hundred and forty six pounds, eight shillings and six pence Current money of Maryland, on the first day of September next, ensuing the date of the said Note, for value of him the said William Macarty received; And the same sum of money being altogether unpaid, to the said William Macarty afterwards, to wit, the same day and year last aforesaid, at the County aforesaid, indorsed that Note with his own proper hand thereto subscribed, and thereupon by appointed and directed the contents of the same Note to be paid to the same Thomas Palmer, or his order, value received, whereof the same John Crockett, in his lifetime, afterwards, to wit, the same day and year last aforesaid, at the County aforesaid, had notice; And by reason of the premises,

and by force of the Statute in such case made and provided, the same John Crockett was and became liable to pay to the said Thomas Palmer the aforesaid sum of money according to the tenor of the Note aforesaid; And so being thereto liable the same Crockett in his lifetime, afterwards, to wit, on the same day and year last aforesaid, at the County aforesaid, in consideration thereof upon himself, did undertake and unto the same Thomas Palmer then & there faithfully promised, to pay him the same Thomas Palmer the same sum of money according to the tenor of the Note aforesaid. And the same Thomas Palmer doth aver that he hath never at any time given or made any Order for the payment of the said sum of money. Nevertheless the same John Crockett in his lifetime, and the same Mary, Executrix as aforesaid after the death of the same John Crockett, whilst she was sole, and the same Simon Milner and Mary his wife, after the death of the same John Crockett, and after espousals between them celebrated, the promises and Assumptions aforesaid of the said John Crockett in form aforesaid made, not regarding, but minding and fraudulently intending the same Thomas Palmer in this behalf craftily and subtilly to deceive and defraud the aforesaid sum of money, or any part thereof, unto the said Thomas Palmer yet have not paid, nor hath either of them paid the same, or any part thereof, although so to do the same John Crockett, in his lifetime afterwards, to wit, on the fifth day of September in the year of our Lord seventeen hundred eighty and nine and often since that time, and the same Mary after the death of the same John Crockett, and whilst she was sole, to wit, on the twelfth day of April, in the year of our Lord seventeen hundred ninety and one, and after since that time, and the same Simon Milner and Mary his wife, after espousals between them celebrated, to wit, on the fifth day of September in the year of our Lord seventeen hundred ninety five, and often since that time, to wit, at the County aforesaid, were required, but the same sum of money, or any part thereof to pay, they and each of them hitherto altogether have refused, and the same Simon Milner and Mary his wife yet do refuse to pay the same to the Damage of the same Thomas Palmer three hundred Pounds, Current money of Maryland, and thereupon he brings this suit &c. — Thomas J. Bullitt for the plaintiff, pledges &c. John Doe & Richard Roe. —

And at the prayer of the said Thomas Palmer, it was ruled by the Court here, that they the said Simon Milner and wife Executors as aforesaid answer to the Declaration aforesaid of the said Thomas Palmer, by the next Term; the same day was given to the said Thomas Palmer there &c. — At which said next Term, to wit, the second Tuesday of April in the year Seventeen hundred and ninety seven, came again into our said Court the Parties aforesaid by their Attorneys aforesaid; And the said Simon Milner and wife Executrix of John Crockett by their Attorney aforesaid, defend the force and injury, when &c. and say that the said John Crockett in his lifetime, nor the said Mary, while sole, since the death of him the said John Crockett, nor the said Simon and Mary after the espousals between them celebrated did not assume upon themselves in manner and form as the said Thomas above against them hath complained; and of this they put themselves upon the Country and so forth, and the said Simon and Mary his wife by leave of the Court here, and according to the form of the Statute in case made and provided come and further defend the force and injury when and so forth, and say that the aforesaid Thomas his action aforesaid against them to have ought not, because they say that the said John Crockett in his lifetime, nor the said Mary while sole, since the