was attached to answer unto Samuel Fisher and Miers Fisher of a plea of Trespass upon the case, and so forth, which said plea is still depending before you our said Justices in our said County Court, as it is said undetermined, and We being desirous for certain Reasons that the Record and proceedings in the plea aforesaid should by you be certified to us, Do Command you, that you send under your Seals the Record of the proceedings aforesaid in the plea aforesaid, with all things touching the same, unto our General Court to be held for the Eastern Shore of this State, at Talbot County Court House the second Tuesday of April next, plainly and distinctly, and in as full and ample manner as it now remains before you, together with this Writ, so that you may be able thereon to proceed, and to do what shall appear to us of Right ought to be done. — Witness the Honorable Robert Goldsborough Esquire, Chief Judge of our said Court this 15th day of Septr. anno Dominii 1796. Issued the 18th day of Novr. 1796. —

Nth. James Earle Junr. Clerk. —

Queen Anns County, to wit, I do hereby certify that the aforegoing is a true Copy from the Record and Proceedings of Queen Anns County Court. —

Seal of Queen Anns County Court.

In Testimony whereof I have hereto set my hand and affixed the public Seal of my Office this 5th day of April anno Dominii 1797. —

Samuel Wright, Clk. of Queen Anns County Court. —

Thereupon, appeared in our General Court as well the said Samuel & Miers Fisher by Nicholas Hammond Esquire their Attorney, as the said Joseph Everitt by John Scott and Thomas Oldham Martin Esquires his Attorneys. And the said Samuel and Miers Fisher by their Attorney aforesaid, declared against the said Joseph Everitt in the plea aforesaid in manner and form following, to wit. — The Eastern Shore of Maryland, Queen Anns County, to wit. Joseph Everitt late of Queen Anns County was attached to answer unto Samuel Fisher and Miers Fisher in a plea of Trespass upon the case &c. — And whereupon the same Samuel and Miers Fisher by Nicholas Hammond their Attorney complain, that whereas the said Joseph Everitt on the seventh day of May in the year seventeen hundred and ninety five, at the County aforesaid, was indebted to the said Samuel and Miers Fisher in the sum of five hundred and eighty one pounds, four shillings, Current money for divers goods, wares and Merchandizes there before that time sold and delivered by the said Samuel and Miers Fisher to the said Joseph Everitt at his special instance and request. And so therein being indebted, the said Joseph Everitt in consideration thereof, afterwards, to wit, the same day and year aforesaid at the County aforesaid Ajumed upon himself and then and there faithfully promised the said Samuel and Miers Fisher, to pay them the said Samuel and Miers Fisher the sum of money &c when he the said Joseph Everitt should be thereto afterwards required. And whereas also the said Samuel and Miers Fisher, afterwards to wit, the day and year aforesaid at the County aforesaid had sold and delivered to the said Joseph Everitt divers other Goods, wares and Merchandizes at his like special instance and request, the said Joseph Everitt in consideration thereof, then and there Ajumed upon

himself and faithfully promised the said Samuel and Miers to pay them the said Samuel and Miers Fisher as much Current money for the Goods, Wares and Merchandizes last mentioned, as the same at the time of the sale and delivery thereof were reasonably worth when he the said Joseph Everitt should be thereto afterwards required. And the said Samuel and Miers Fisher in fact say that the said Goods, Wares, and Merchandizes last mentioned at the time of the sale and delivery thereof were reasonably worth one other sum of five hundred and eighty one pounds and four shillings Current money, to wit, at the County aforesaid, whereof the said Joseph Everitt then and there had notice. And whereas also afterwards, to wit, the day and year aforesaid at the County aforesaid, the said Joseph Everitt was indebted to the said Samuel and Miers Fisher in one other large sum of money, to wit, the sum of six hundred pounds, Current money, for the like sum of money there before that time paid away, laid out, and expended by the said Samuel and Miers Fisher for and on account of the said Joseph Everitt at his like special instance and request, and so therein being indebted, the said Joseph Everitt in consideration thereof afterwards, to wit, the same day and year aforesaid at the County aforesaid Ajumed upon himself, and then and there faithfully promised the said Samuel and Miers Fisher, to pay them the said Samuel and Miers Fisher the sum of money last &c when he the said Joseph Everitt should be thereto afterwards required. — Nevertheless the said Joseph Everitt, his several promises and Ajumptions aforesaid in form aforesaid made, not in the least regarding, but intending the said Samuel and Miers Fisher in this behalf to deceive and defraud, the several sums of money aforesaid, or any part thereof to the said Samuel and Miers Fisher yet hath not paid (although to pay the same, the said Joseph Everitt afterwards, to wit, the twentieth day of November in the year aforesaid, and often since at the County aforesaid by the said Samuel & Miers Fisher was required) but the same to him to pay hath hitherto altogether refused, and still doth refuse, to the Damage of the said Samuel and Miers Fisher in the sum of twelve hundred pounds Current money: And they therupon they bring their suit &c —

Nho. Hammond Joseph Pledges &c. — John Doe and Richard Roe. —

And the said Samuel and Miers Fisher by their Attorney aforesaid filed in Court, an Account against the said Joseph Everitt, which issues in the words & figures following, to wit. —

Joseph Everitt . . . To . . . Samuel and Miers Fisher . . Dr.

1795.					
1st. Mo.	1st	To Sundries as pr. bill	362.	14.	3.
5th. Mo.	7th	To Merchandizes as pr. bill	218.	9.	9.
1796.					
5th Month	21st	To Interest to this day	45.	12.	1.
			625.	16.	1.
1795.		Contra . . . . . Cr.			
1st month	30th	By one pr. purple Cloth returned 18 3/4 yds @ 38/	35.	12.	6.
			£ 591.	3.	7.

Errors Excepted — Philadelphia 5th. Mo: 21st 1796 — Samuel and Miers Fisher.

Dr. Interest account to 5th Mo: 1796. — on £327..1..9 for 1 year 11 Months 17 days £38..10..10.
218..9..9 for — 6 Mos — 11 days — 7..1..3.
Carried to acct. £45..12..1.