said Jacob by him secondly above pleaded in bar, saith that the said Jacob hath not paid to the said John the aforesaid sum of two thousand one hundred and seventy five pounds three shillings and seven hence half penny current money Debt and six hundred and thirty five pounds of Tobacco costs of suit aforesaid in such manner and form as the said Jacob hath above alledged in his said plea and this he prays may be inquired of by the Country, &c. — And the said Jacob Jones doth thereof in like manner &c. — Therefore to try the Issue aforesaid above Joined between the parties aforesaid; let a Jury thereon appear before our General Court on the second Tuesday of April next by whom &c. and who neither, &c. to Recognize, &c. because as well &c. the same day is given to the parties aforesaid, there and there &c. — At which second Tuesday of April in the year of our Lord one Thousand seven hundred and ninety Eight; Came again into our said Court the parties aforesaid by their Attorneys aforesaid; Thereupon further process of and upon the premises aforesaid between the parties aforesaid by Consent of the said parties and their Attornies aforesaid, and by order of the Court thereon was further continued until the second Tuesday of September then next. — At which said second Tuesday of September in the year of our Lord one thousand seven Hundred and Ninety Eight Came again into our said Court the parties aforesaid by their Attornies aforesaid; Thereupon further process of and upon the premises aforesaid between the parties aforesaid by Consent of the said parties and their Attornies aforesaid, and by order of the Court thereon was further Continued until the Second Tuesday of April then next — And now here at this day, to Wit, the second Tuesday of April one thousand seven Hundred and ninety nine Comes into our said General Court the parties aforesaid by their Attornies aforesaid; and the said Jacob Jones by his Attorney aforesaid, saith that he can not shew Cause why the said John Field should not have his Execution Sum for the Debt, Damages Costs and charges afs. According to the force form and effect of the recovery aforesaid; Therefore it is considered by the court here, that the said John Field have Execution against the said Jacob Jones, for as well the debt damages costs and charges aforesaid, in the Writ of Scire facias aforesaid mentioned, according to the force, form and effect, of the recovery afs. as the Quantity of seven hundred and fifteen pounds of Tobacco to the said John Field on his agreed by the Court here adjudged, for his costs and charges which he hath sustained by reason of Delay of the Execution of the Judgment aforesaid;

and the said Jacob Jones, in mercy, &c. — Test James Earle Jr. Clk.

Memorandum Fieri. was rendered in this action on the 12th day of April 1799 — any payments since original Judgment to be allowed. — "

James Usher Executor of Abraham " " " Against " " " James O'Bryon Admor of Thomas " " " "

Be it Remembered that on the third day of February in the year of our Lord one Thousand seven Hundred and Ninety seven the said James Usher Executor as afs. by Nicholas Hammon his Attorney, prosecuted and sued forth out of the Eastern Shore General Court, the writ of the state of Maryland of capias ad Respondendum, directed to the sheriff of Queen Anns county, in the words following, to Wit. — The state of Maryland ss. To the sheriff of Queen Anns County Greeting We Command you that you take James O'Bryon Junior late of Queen Anns County, Yeoman Administrator of and singular the Goods and Chattels, Rights and Credits which were of Thomas O'Bryon late of the same County deceased, if he shall be found in your bailiwick and him safe keep, so that you have his body before the Judges of our General court, to be held at Easton, in Talbot county, the second Tuesday of April next to Answer unto James Usher Executor of the last will and Testament of Abraham Usher lately deceased, of a plea of Trespass upon the Case, &c. thereof fail not at your peril, and have you then and there this Writ. Witness the Honorable Robert Goldsborough Esquire Chief Judge of our said Court the 18th Day of September Anno Dominii 1796 Issued the 3d day of February 1797 — N.H. James Earle Junior Clk. —

At which said second Tuesday of April in the year of our Lord one thousand seven hundred and ninety seven being the day of the returne of the foregoing writ Came into our General Court the said James Usher Executor of Abraham Usher by Nicholas Hammon his Attorney aforesaid, and the sheriff of Queen Anns County afs. to wit. Philemon C Blake, Gentlemen, to whom the said foregoing Writ was in form aforesaid directed, make return thereof to the Court, thus endorsed, to Wit. "Cepi Philemon C Blake sheriff Queen Anns County" — And the said James O'Bryon Junior Exor. of Thomas being called appeared in court by Richard T. Earle his Attorney and defended the force and injury, when, and wherefore and prayed leave of the Court to imparle until the next Term and he had it the same Day was given to the said James Usher Executor of Abraham Usher &c.

At which said next Term, to wit, the second Tuesday of September in the year of our Lord one thousand seven hundred and ninety seven. Came again into court the parties aforesaid by their Attorneys aforesaid And the said James Usher Executor aforesaid by his Attorney aforesaid declared against the said James O'Bryon Junior Executor of Thomas in the plea aforesaid in manner and form following to Wit.