three hundred pounds current money his debt &c in form &c as recovered, as the quantity of nine hundred and thirty four pounds of Tobacco, for his Damages which he hath sustained as well by occasion of the detention of the said debt, as for his costs and charges by him about his suit in this behalf expended; and the said Martin Miles in mercy &c.— James Earle Sam'l Elk

Judgment was rendered in this Action on the 12th April 1799. for £ma Ch. & Costs. To be released on the payment of principal Interest & Costs. payments if any to be allowed - Stay of Execution till the next Term —

John Merryman against John Evans of Nich. Adm. of John Evans

Be it remembered that the said John Merryman the plaintiff in this cause prosecuting and suing forth of and upon a Judgement in the Court here rendered the following writ of Scire facias to wit. "The State of Maryland to the Sheriff of Somerset County Greeting: Whereas at a General Court held for the Eastern Shore of this State at Easton in Talbot County the second Tuesday in September in the year seventeen hundred and ninety before the honorable the Judges thereof a certain John Merryman did recover Judgment against John Evans late of Somerset County as well the sum of Four hundred and eighty nine pounds eleven shillings and fourpence current money a certain debt, as also the quantity of five hundred and ninety one pounds of Tobacco which was then and there adjudged to the said John Merryman for his Costs & charges by him about his Suit in that behalf expended whereof the said John Evans was convicted, as of Record is manifest. And altho' Judgment thereof hath been rendered as aforesaid execution nevertheless of the debt & Costs aforesaid still remains to be done, — And whereas we have in our said Court in Session that the said John Evans is since dead and died intestate, and that administration of all & singular the goods and Chattels rights & Credits, which were of the said John Evans when alive was in due form of law committed to John Evans of Nicholas: wherefore the said John Merryman hath brought up to grant him a proper remedy in this behalf, and we being willing that what is just in this part should be done, Do therefore Command you that by good and lawfull men of your Bailiwick you make known unto the said John Evans Administrator as aforesaid that he be and appear before the Judges of our said Court, to be held at Easton in Talbot County, the second Tuesday of April next, to show cause if any for himself he hath or knoweth why the said John Merryman ought not to have his Execution against him the said John Evans Administrator as aforesaid for the debt and Costs aforesaid, of the Goods and Chattels rights & Credits which belonged to the said John Evans at the time of his death in the hands of the said John Evans of Nicholas to be administered being according to the form & effect of the recovery aforesaid, if to him it shall seem meet and further to do & receive all & singular those things which our Judges aforesaid shall then & there consider in this behalf concerning him; and have you then and there the names of those before

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whom you shall make the same known to him and this writ. Witness the honorable Robert Goldsborough Esquire Chief Judge of our said Court the 12th day of September anno domini 1797. Signed the 19th day of January 1798. Test, James Earle Sam'l Elk

At which said second Tuesday in April Seventeen hundred and ninety eight being the day of the return of the aforegoing writ, came into Court the said John Merryman by Charles Goldsborough Senior his Attorney, and the Sheriff of Somerset County to whom the said writ was directed made return thereof to the Court here thus endorsed to wit "Made known by John Doe & Richard Roe, so answers Geo. Handy Shff." And the said John Evans of Nicholas, Administrator as aforesaid, being called appeared in Court here by John Holbrook his Attorney; And the said John Merryman by his Attorney aforesaid prayed that the said John Evans, might be ruled to file his plea in answer to the Declaration aforesaid on or before the second Tuesday in September then next, or that Judgment by default thereof against the said John Evans might be rendered, and it was granted unto him, the same day was given to the said John Merryman then &c — At which said second Tuesday in September Seventeen hundred and ninety eight, came again into Court the parties aforesaid by their Attorneys aforesaid, And the said John by John Holbrook his Attorney cometh and saith that the said John Merryman ought not to have his Execution against him the said John because he says that he the said John after the recovery of the Judgment, and before the suing forth the writ of Scire facias, to wit, in Somerset County on the day of anno domini Seventeen hundred and ninety paid to the said John Merryman, the debt and damages in form aforesaid recovered, and this he is ready to verify: wherefore he prays Judgment whether the said John Merryman ought to have the said Execution against him &c. Whereupon at the prayer of the said John Evans, it was ruled by the Court here that the said John Merryman should reply to the plea aforesaid, by the second Tuesday in April then next, or that Judgment in default thereof against him should be rendered. The same day was given to the said John Merryman then &c — And now here, to wit the second Tuesday in April Seventeen hundred and ninety nine, came again into Court the parties aforesaid by their Attorneys aforesaid. And the said John Evans Administrator as aforesaid by his Attorney aforesaid, relinquishing the averment above by him pretended says that he cannot deny the recovery aforesaid and that the said sum of money & quantity of Tobacco in the aforegoing writ of Scire facias mentioned are yet due and unpaid: Therefore it is considered by the Court here, that the said John Merryman have his Execution against the said John Evans, as well for the sum of money and quantity of Tobacco aforesaid; as also for the further quantity of five hundred and one pounds of Tobacco, which to the said John Merryman was adjudged for his additional Costs and charges by him sustained in delay of the Execution of the Judgment aforesaid; to be levied of the goods & chattels which were of the said John Evans at the time of his death, in the hands of the said John Evans Administrator as aforesaid to be administered being if enough thereof in his hands he hath, and if he hath not, then the costs and charges aforesaid to be levied of the Goods and Chattels of the said John Evans — and the said John Evans in mercy &c — James Earle Sam'l Elk. Clk Court

Said April the 12th 1799. To be released on the payment of £100.. 4.. 6. with Interest from 26th April 1797 till paid & Costs. —