Come against the said plaintiff by his attorney aforesd as the said defendts in their
Capacity as aforesd by their attorney aforesd and the said defendts in their Capacity as
aforesd by their said attorney pray further Leave to imparle herein to next
Court and they have it and the same day is given to the plaintiff also —
at which said next Court to wit the 5th day of April anno Domi 1709 Come
against as well the said plaintiff by his attorney aforesd as the said defendts in their Capacity
aforesd by their attorney aforesd and the said defendts in their Capacity as aforesd
by their said attorney pray further Leave to imparle herein to next Court
and they have it and the same day is given to the plaintiff also —
at which said next Court to wit the 12th day of July anno Domi 1709 Come against
as well the said plaintiff by his attorney aforesd as the said defendts in their Capacity
as aforesd by their attorney aforesd and the said defendts in their Capacity as aforesd by
their said attorney pray further Leave to imparle herein to next Court
and they have it and the same day is given to the plaintiff also —
at which said next Court to wit the 11 day of October anno Domi 1709 Come
against as well the said plaintiff by his attorney aforesd as the said defendts in
their Capacity as aforesd by their attorney aforesd and the said defendts in
Capacity aforesd by their said attorney pray further Leave to imparle herein
until next Court they have it and the same day is given to the plaintiff
also —
at which said next Court to wit the 11th day of April anno Domi 1710 Come against as
well the said Charles Carroll by his attorney aforesd as the said Renalus Smith
& Anthony Stoddert as aforesd by their attorney aforesd and the said Renalus —
Anthony Stoddert as aforesd by their said attorney as before defend the force and injury
when &c and for plea say that the said Charles his action aforesd against
them to have ought not because they say that after the decease of the said
Robert their Testator and before the said Charles purchased the originall
writt in this action a certaine Robert Colt at a County Court held for Queen
Anne County the first Tuesday in July 1706 before the Worshipfull Edward
Chettiom Gent and others his Associates Her Majesty's Justices of the said
County Chett Recovered Judgment against these Deft in their Capacity aforesd
for 2500 lbs debt and Cost of Suite and a certaine Patrick Creagh at a Court held
for the same County on the first Tuesday in September 1706 recovered Judgment
against these Executors in their Capacity aforesd for the sum of 3 [illegible] 6 lbs debt
and Cost of Suite and the same Patrick Creagh at a Court held for the same
County on the first Tuesday in December 1706 before the Worshipfull Edward
Chettiom Gent and his Associates Her Majesty's Justices of the said County
Court recovered Judgment against these Deft in their Capacity aforesd for the sum
of 1150 lbs debt and Cost and the same Patrick at the same Court held as
aforesd likewise recovered Judgment against these Executors in their Capacity
aforesd for the sum of [illegible] 8 lbs debt & 291 lbs Cost of Suite, and a certain
Thomas Howe at the same Court held as aforesd recovered Judgment against
these Deft for 500 lbs a certaine Debt for damages & two hundred County
three pounds of tob Cost of that Suite and a certaine Eliz Christy admx
of all and singular the goods and Chattels Rights and Credits of Henry
Conway late of Talbot County Gentl deceased at the same County Court held
as aforesd Recovered Judgment against these Executors in their Capacity as aforesd
for 3055 lbs tob debt and Cost and the same Eliz Conway admx as aforesd at the
same County Court held as aforesd recovered Judgment against these Deft
in their Capacity aforesd for the sum of 396 lbs tob debt & Cost of Suite & a certain
Thomas Hagger at the same County Court held as aforesd Recovered Judgment against
these Deft in their Capacity aforesd for the sum of 4 304 and the aforesd Patrick
Creagh at the same County Court held as aforesd Recovered Judgment against
these Deft in their Capacity aforesd for the sum of 3 [illegible] lbs tob and Cost of Suite &
a certaine Thomas Stevens at the same County Court held as aforesd recovered
(Judgment)

149 Judgment against these Executors for four hundred pound tob debt 271 lbs tob Cost of
that Suite and the same Thomas Stevens at the same Court for the sum of 6 [illegible]
debt and two hundred & two pound tob Cost of Suite and the same Patrick Creagh at
the same County Court held as aforesd recovered Judgment against the same Executors in
their Capacity aforesd for three thousand pound of Tobacco debt and 29 lbs tob Cost of that
Suite and a certaine Robert Grundy at the same County Court held as aforesd
Judgment against the same Executors in their Capacity aforesd for 35 [illegible] tob debt and 243 lbs tob
Cost of that Suite and likewise the same 200 pound at the same County Court held as
aforesd Recovered Judgment against the same Executors for 4500 lbs tob debt and 239 lbs tob
Cost of that Suite and also the same Robert Grundy at the same County Court held as aforesd
Recovered Judgment against the same Executors in their Capacity aforesd for the sum of
thirty one pounds sterling and 351 lbs tob Cost of that Suite and a certain [illegible] Whittington
at a County Court held for Queen Anne County aforesd on the first Tuesday of August 1708
before the aforesd Worshipfull Edward Chettiom Gent and Associates Her Majesty's Justices
of the said County Court Recovered Judgment against the same Deft in their Capacity aforesd for
the sum of 1250 lbs tob debt and 243 lbs tob Cost of that Suite and a certaine Thomas Rogers
at a prov Court held at the Town & Port of Annapolis in Anne Arundel County the first
Tuesday of August 1708 as aforesd before the Honble Wm Holland Esq Chief Justice & the
rest of his Associates Her Majesty's Justices of the said Court recovered Judgment against
these Executors in their Capacity aforesd for the sum of 1000 lbs tob Cost of that Suite
also at the same prov Court held as aforesd before the same Justices a certaine Jonathan
Sale Gent Recovered Judgment against the same Deft for the sum of 500 lbs tob 254
lbs tob Cost of the Suite and a certain Jno Cross at the same prov Court held as aforesd
recovered Judgment against the same Deft in their Capacity aforesd way of attachment
for 4711 lbs tob debt and Cost of Suite as by the Records of the said prov Court and County
Court reference unto Court brought relation being thereto had may more at large
appear all which said Judgments were obtained for just & true debts and Suite
remaining still force and effect yet unsatisfied & discharged and that the said Renalus
Anthony further say that they have fully administered all the goods & Chattels
which of their Robert at the time of his death possessed & goods & Chattels
to the value of three hundred and four pounds sterling and that they have no goods
& Chattels which of the said Robert at the time of his death in their hands to be
administered nor had they at the day of the obtaining the original writ of this
Charles nor ever after besides the goods & Chattels aforesd to the value of three
hundred & four pounds sterling aforesd which were charged above pledged to the
Executors of the Several Judgments aforesd and not sufficient to satisfy the said debt & damages
aforesd and they they are ready to verify which for their plea they pray judgment if this
said Charles his action aforesd lately brought ought to be and the said Charles Carroll says
that they any alledged by the said Renalus & Anthony Stoddert as aforesd above in pleading
from having his action aforesd against them he ought not to be precluded because
he says that the plea aforesd of the said Renalus & Anthony in manner & form
above pleaded & the matter therein contained in fact & sufficient in law to barr
the said Charles from having his action aforesd against them to which plea he is not
needed nor by the law of the land is bound to answer & this he is ready to verify &
whereof he doth pray judgment &c —
And there upon the said Renalus and Anthony by their attorney aforesd & [illegible]
their apportion aforesd above by them pleaded say that they cannot gainsay
the plaintiff his action aforesd against them brought nor the said say that
that the said Charles Carroll ought to recover his damages by reason of the premises
aforesd to the same of twenty eight pounds sterling and costs of suite against
them as Executors of their Robert Smith Deceased to be levied of the goods & Chattels which
were of the said Deceased which the plaintiff does not gainsay —
Wherefore it is considered by the Justices here that the 11 day of April anno Domi
(1710)