And the said Luke Marbury, Robert Bradley Tyler and John Smith Brooches by Gabriel Duvall their Attorney come and say that in the Record and proceeds aforesaid and also in the confession and the Judgment aforesaid there is manifest Error in this Court that by the Record and proceeds aforesaid it appears that the Judgment is confessed to the said Sarah Fowke and Gerrard Fowke by the said Luke Marbury, Robert Bradley Tyler and John Smith Brooches on a Judgment given for the said Sarah Fowke and Gerrard Fowke against the said Luke Marbury, Robert Bradley Tyler and John Smith Brooches, when by the law of the land the said Judgment ought to have been given for the said Luke Marbury, Robert Bradley Tyler and John Smith Brooches against the said Sarah Fowke and Gerrard Fowke; therefore in this there is manifest Error. And the said Luke Marbury Robert Bradley Tyler and John Smith Brooches pray that for this and other Errors in the said Record the said Confession and Judgment may be reversed, annulled and held entirely for nothing and that they the said Luke Marbury, Robert Bradley Tyler and John Smith Brooches may be restored to all things which they have lost by occasion of the said Confession and Judgment, and that the said Sarah Fowke and Gerrard Fowke may rejoin to the said Errors and so forth.

And the said Sarah Fowke and Gerrard Fowke say that there are no Errors in the Records and proceedings aforesaid, or in the rendition of the Judgment by confession aforesaid: And pray likewise that the Court here may proceed to the examination as well of the Record and proceedings aforesaid as of the Matters aforesaid by the said Luke Marbury, Robert Bradley Tyler and John Smith Brooches above for Errors assigned: and that the Judgment by confession aforesaid may be in all things affirmed. But because the Court here are not yet advised to give their Judgment of and upon the premises, day therefore is given to the parties aforesaid until the second Tuesday of May next, to hear their Judgment of and upon the premises, because the Court here thereof not yet &c.

At which said second Tuesday of May being the twelfth day of the same Month Anno Domini seventeen hundred and eighty nine, come again here into our General Court as well the said Luke Marbury Robert Bradley Tyler and John Smith Brooches by their Attorney aforesaid as the said Sarah Fowke and Gerrard Fowke by their Attorney aforesaid.

Whereupon the premises being seen and by the Court here fully understood and as well the Records and proceedings and the Judgment by confession thereon, as the said causes for Error by the said Luke Marbury, Robert Bradley Tyler and John Smith Brooches above assigned, being diligently examined and mature deliberation being thereon had it seems to to the Court here, that the Record is in nothing Erroneous.

Therefore it is considered by the Court here that the Judgment by confession aforesaid be in all things affirmed and stand in its whole force and effect, and the said causes and matters above for Errors assigned in any wise not withstanding.

And it is further considered by the Court here that the said Sarah Fowke and Gerrard Fowke do recover against the said Luke Marbury, Robert Bradley Tyler and John Smith Brooches the quantity of six hundred and thirty six pounds and two ninths of a pound of Tobacco for his costs and damages which he hath sustained by reason of the delay of Execution of the Judgment aforesaid by pretence of prosecution of the said State of Maryland, writ of Error and that the said Sarah Fowke and Gerrard Fowke have thereof their Execution &c.

Memorandum, Judgment was rendered in this cause on the twenty first day of May anno Domini Seventeen hundred and eighty nine, and the Defendants agree to stay Execution till the first day of August next, Test John Gwinn Clk

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Ann McCauley and Joshua Lachland Exors Francis McCauley
against
Samuel H. Howard

Be it remembered that heretofore to wit on the first day of April Anno Domini seventeen hundred and eighty eight. The Defendant by Thomas Jennings his Attorney sued out of our General Court here the State of Marylands writ of Habeas Corpus directed to the Justices and Sheriff of Ann Arundel County in the words and figures following to wit

The State of Maryland ss. To the Justices and Sheriff of Ann Arundel County Greeting, Whereas Samuel Hawey Howard of Ann Arundel County is detained in the prison of our said County, under the custody of you, our said Sheriff, at the suit of a certain Ann McCauley and Joshua Lachland Executors of Francis McCauley in a plea of Debt and so forth, which said plea still remains before you, our said Justices, undetermined as it is said; and we being willing, for divers causes, that the plea aforesaid, undetermined as aforesaid, should be heard and determined before the Judges of our General Court, do therefore command you that you have the body of the said Samuel Hawey Howard by whatsoever name he be called in the plea aforesaid, together with the day and cause of his caption and detainer and all things thereunto relating before the Judges of our General Court, to be held at the City of Annapolis on the second Tuesday of May that our said Judges, being rightly informed of the truth of the premises, may further proceed therein as to Justice appertains and so forth, Hereof fail not at your peril, and have you then and there this writ. Witness Robert Hanson Harrison Esquire chief Judge of our said Court, the 19th day of november Anno Domini 1787.

Issued the first day of April 1788. (Jgs) Tho. B. Hodgkin Clk.

At which said second Tuesday of May being the thirteenth day of the same month Anno Domini seventeen hundred and eighty eight, And the day of the return of the aforegoing writ The Justices and Sheriff of Ann Arundel County to whom the same writ was made & directed in pursuance thereof and according to the form of the Act of Assembly in such cases made and provided, make return thereof to the Court here with the following Record to wit

Ann Arundel County ss. At a County Court of the State of Maryland begun and held at the City of Annapolis in and for the County aforesaid on the second Tuesday of August being the 8th day of the same month Anno Domini 1786.

Were Present, the Worshipful, Nicholas Worthington, Allen Quynn, John Brice Robert Bowden, Elijah Robeson & Thomas Tongue, Gentlemen Justices.

David Stewart Esq. Sheriff Nich Harwood Clk.

In the Record and proceedings of the same Court is the following to wit. —

Ann McCauley and Joshua Lachland Exs. Francis McCauley
v
Samuel H. Howard.

Ann Arundel County ss. Command was given to the Sheriff of Ann Arundel County that he should take Samuel Hawey Howard late of Ann Arundel County Merchant — otherwise called Samuel Hawey Howard of the City of Annapolis Merchant, if he should be found in his Bailiwick and that him he should safe keep so that he might have his body before the Justices of our County Court to be held at Annapolis the second Tuesday of August then next to Answer unto Ann McCauley and Joshua Lachland Executors of Francis McCauley late of Ann Arundel County in a plea that he render unto them the full and just sum of two hundred and thirteen pounds eighteen shillings and six pence current money — which