and the said Zachariah Maccubbin by William Hammond Dorsey his said Attorney comes and defends the force and injury when and so forth and prays leave to imparle hereunto until next Court and he hath it and the same day is given to the plaintiffs also—

At which said next Court to wit the twelfth day of May Anno Domini seventeen hundred and eighty nine come again as well the said Thomas Bramphin and Richard Bramphin by their Attorney aforesaid as the said Zachariah Maccubbin his Attorney aforesaid— And the said Zachariah Maccubbin by his Attorney as before defends the force and injury when and so forth and saith that the said Thomas and Richard their Action aforesaid against him to have or maintain ought not and so forth because he saith that he the said Zachariah did pay unto the said Thomas and Richard the said Sum of Crop Tobacco in the Condition of the said Writing Obligatory mentioned with legal Interest thereon according to the form and effect of the Condition of the said Writing Obligatory and this he is ready to verify wherefore he prays Judgment if the said Thomas and Richard their Action aforesaid against him to have or maintain ought &c

And the said Thomas and Richard say that they by anything by the said Zachariah above in pleading alledged from having or maintaining their Action aforesaid against him ought not to be precluded because they say that the aforesaid Zachariah hath not paid unto them the said Thomas and Richard the aforesaid quantity of Crop Tobacco in the Condition aforesaid mentioned with the Interest thereon in such manner and form as the said Zachariah above by pleading hath alledged and of this they pray may be enquired of by the Country And the said Zachariah in like manner and so forth.

Whereupon this cause standing ready for Trial Comm and is given to the Sheriff of Ann Arundel County that he cause to come before the Judges of our General Court here on the second Tuesday of October next twelve &c by whom &c and who neither &c to recognize &c because as well &c the same day is given to the said parties then and there &c

At which said second Tuesday of October being the thirteenth day of the same Month Anno Domini seventeen hundred and eighty nine come again as well the said Thomas Bramphin and Richard Bramphin by their Attorney aforesaid as the said Zachariah Maccubbin by his Attorney aforesaid.

Nevertheless the said Zachariah Maccubbin by his Attorney aforesaid relinquishing the averment above by him pretended says that he cannot deny the Action aforesaid of the aforesaid Thomas Bramphin and Richard Bramphin so as aforesaid against him brought nor but that he owes to them the aforesaid sum of

Twenty seven thousand eight hundred and ten pounds of good sound Merchantable Tobacco in such manner and form as the said Thomas Bramphin and Richard Bramphin above against him have declared.

Therefore it is considered by the Judges here that the said Thomas and Richard Bramphin recover against the said Zachariah Maccubbin as well the sum of twenty seven thousand eight hundred and ten pounds of good sound Merchantable Crop Tobacco their Debt aforesaid in form aforesaid confessed as Also the sum of Six hundred and fifty six pounds and one fifth of a pound of Tobacco by the Court here unto the said Thomas Bramphin and Richard Bramphin on their assent adjudged as well for their damages sustained by reason of the detention of that Debt as for their Costs and charges by them about their suit in this behalf laid out and expended and the said Defendant in Mercy &c

Memorandum. the Plaintiff agrees to release the penalty on payment of the Principal Interest and Costs of suit and agree to Stay Execution until the first day of January next. payments if any to be allowed —

Test. John Green Clk

David Stewart and
David Plunkett
against
Edward Brow and
Joshua Brow

Be it Remembered that heretofore to wit On the fifteenth day of September Anno Domini seventeen hundred and eighty eight the Plaintiffs by Robert Smith their Attorney sued out of the Court the State of Maylands Writ of Capias ad respondendum directed to the Sheriff of Ann Arundel County in the Words and figures following to wit—

The State of Maryland &c. To the Sheriff of Ann Arundel County Greeting We Command you that you take Samuel Godman late of Ann Arundel County Merchant Edward Brow the Younger late of Montgomery Gentleman and Joshua Brow late of Montgomery County Gentleman otherwise called Samuel Godman late of Ann Arundel County and Edward Brow and Joshua Brow of Montgomery County and State of Maryland if they shall be found in your Bailiwick and them safe keep so that you have their Bodies before the Judges of our General Court to be held at the City of Annapolis on the second Tuesday of October next to answer unto David Stewart and David Plunkett of a plea that they render unto them the sum of Six hundred and forty pounds Current Money, which they owe to and unjustly detain from them and so forth, hereof fail not at your peril and have you then and there this Writ. Witness the Honourable Robert Hanson Harrison Esquire Chief Judge of our said Court the 12th day of June 1788.

Issued the 15th day of Sept. 1788. (R.S.) John Green Clk