Assignee aforesaid by his Attorney aforesaid And the Sheriff of Ann Arundel County to whom the same Writ was made and directed likewise comes and makes return thereof to the Court here thus endorsed to wit

Made known in presence of William Goldsmith

D. Stewart Shff A.A. Coty.

And the said Allen Duynn by Jeremiah Townley Chase his 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 plaintiff also.

At which next Court to wit the twelfth day of May Anno Domini seventeen hundred and eighty nine comes again as well the said Gustavus Scott assignee aforesaid by his Attorney aforesaid as the said Allen Duynn by his Attorney aforesaid. And the said Allen Duynn by his Attorney aforesaid as before defends the force and injury when and so forth and saith that the aforesaid Gustavus Scott assignee aforesaid his Execution against him the said Allen Duynn of the debt damages and costs aforesaid to have ought not because he saith there is not any such Record of the recognizance Judgment and recovery aforesaid in the aforesaid Court now here remaining as the aforesaid Gustavus Scott by his Writ aforesaid above doth suppose and this the said Allen Duynn is ready to verify wherefore he prays Judgment if the aforesaid Gustavus Scott his Execution aforesaid of the debt damages and costs aforesaid against him to have ought &c.

And the aforesaid Allen Duynn by leave of the Court here and according to the form of the Statute in such case made and provided comes and further says that the aforesaid Gustavus Scott his Execution against him of the aforesaid Three hundred and sixty seven pounds ten shillings current Money and seven hundred and fifty three pounds of Tobacco in the Writ of Scire facias aforesaid mentioned to have ought not because he says that after the rendering the Judgment aforesaid and the recovery aforesaid and before the issuing of the Writ of Scire facias aforesaid at the County aforesaid the aforesaid Thomas Rutland did pay and satisfy unto the aforesaid Gustavus Scott the aforesaid sums of current Money and Tobacco in the same Writ of Scire facias mentioned and the Interest thereon due and this he is ready to verify wherefore he prays Judgment if the aforesaid Gustavus Scott his Execution against him of the aforesaid sums of current Money and Tobacco in his Writ of Scire facias aforesaid mentioned to have ought &c.

And the aforesaid Gustavus Scott saith that he by any thing by the said Allen Duynn in his first plea above alledged from having his Execution against the said Allen Duynn for the Debt costs and charges aforesaid to be precluded ought not because he saith that,

he hath such a record of the Judgment aforesaid and recovery of the Debt costs and charges as he by the Writ of Scire facias aforesaid above doth suppose as appears of Record in the aforesaid May Term of the General Court at the City of Annapolis and prays that the Records of that term may be inspected by the Court and so forth.

And the aforesaid Gustavus Scott further saith that he by any thing by the said Allen Duynn in his second plea above alledged from having his Execution thereof against the said Allen Duynn to be precluded ought not because he saith that the Thomas Rutland did not pay unto him the aforesaid sum of three hundred and sixty seven pounds ten shillings current Money and the aforesaid sum of seven hundred and fifty three pounds of Tobacco in the Scire facias aforesaid mentioned or either of them in the manner and form as the aforesaid Allen Duynn by his second plea above doth alledge and this he prays may be enquired of by the Country and the aforesaid Allen Duynn in like manner and so forth.

Whereupon this cause standing ready for Trial Command 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 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 next Court to wit the second tuesday of October being the thirteenth day of the same Month Anno Domini seventeen hundred and eighty nine comes again as well the said Gustavus Scott by his Attorney aforesaid as the said Allen Duynn by Luther Martin his Attorney.

Nevertheless the said Allen Duynn by Luther Martin his Attorney relinquishing the averments above by him pretended says that he cannot deny the Action aforesaid of the aforesaid Gustavus Scott assignee aforesaid so as aforesaid against him brought nor but there is record of such recovery aforesaid nor but that the said Gustavus Scott ought to have his Execution against him the said Allen Duynn for the debt and costs above specified And because the said Gustavus Scott doth not deny but that the Allegations aforesaid are true he prays Judgment for Execution for the Debt and costs aforesaid.

Therefore it is considered by the Judges here that the said Gustavus Scott assignee aforesaid have his Execution against the said Allen Duynn for as well the aforesaid sum of Three hundred and sixty seven pounds and ten Shillings current Money the Debt aforesaid and seven hundred and fifty three pounds of Tobacco costs and charges aforesaid in the Writ of Scire facias aforesaid specified as also the sum of five hundred and thirty eight pounds and one fifth of a pound of Tobacco by the Court here unto the said Gustavus Scott assignee aforesaid on his assent adjudged for his costs and charges sustained by delay of Execution of the Judgment aforesaid &c.

Memorandum. payments to be allowed

Test. John Gwinn Clk