Therefore it is considered by the Judges here that the aforesaid Luke Marbury recover against the said John Smith Brookes and Robert Bradley Tyler as well the sum of seven hundred and twenty eight pounds two shillings and ten pence Current money his debt aforesaid in form aforesaid confessed as also the sum of seven hundred and four pounds of Tobacco by the Court here unto the said Luke Marbury on his assent adjudged as well for his damages sustained by reason of the detention of that debt as for his Costs and charges by him about his suit in this behalf laid out and expended and the said defendants in mercy &c.

Memorandum, The Plaintiff agrees to release the penalty on payment of Principal Interest and Costs of suit and agrees to stay execution until the first day of January next.

Test John Gwinn Clerk.

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W H D Luke Marbury
against
G D Robert Bradley Tyler and John Smith Brookes.

Be it remembered that heretofore to wit on the sixteenth day of April Anno Domini Seventeen hundred and eighty nine the plaintiff by William Hammond Dorsey his attorney sued out of our general Court the state of Marylands writ of Capias adresponendum directed to the sheriff of Prince Georges County in the words and figures following to wit.

The state of Maryland ss. To the sheriff of Prince Georges County Greeting. We Command you that you take John Smith Brookes late of Prince Georges County Esquire and Robert Brandley Tyler late of Prince Georges County planter otherwise called Robert Brandley Tyler and John Smith Brookes of Prince Georges County 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 May next to answer unto Luke Marbury of a plea that they render unto him the sum of eighteen hundred and twenty one pounds ten shillings Current money which to him they owe and from him unjustly detain andsoforth. Hereof fail not at your peril and have you then and there this writ.

Witness



Witness Robert Hanson Harrison Esquire Chief Judge of our said Court the 18th day of November anno domini 1788.
Issued the 16th day of April 1789. Jno. Gwinn Clk.

W H Dorsey.

And the aforesaid Luke Marbury by his attorney aforesaid declared against the aforesaid Robert Bradley Tyler and John Smith Brookes in the plea aforesaid as follows to wit.

Maryland Sct. Prince Georges County to wit; John Smith Brooke late of Prince Georges County Esquire and Robert Brandley Tyler late of Prince Georges County planter otherwise called Robert Brandley Tyler and John Smith Brookes of Prince Georges County were summoned to answer unto Luke Marbury of a plea that they render unto him the sum of eighteen hundred and twenty one pounds ten shillings Current money which to him they owe and from him unjustly detain andsoforth.

And whereupon the said Luke by William H. Dorsey his attorney saith that whereas the said Robert and John on the twenty sixth day of September in the year one thousand seven hundred and eighty seven at Prince Georges County aforesaid by their certain writing obligatory acknowledged themselves to be held and firmly bound unto the said Luke in the aforesaid Sum of eighteen hundred and twenty one pounds ten shillings Currrent money to be paid to the said Luke when afterwards they should be thereto required.

Nevertheless the said Robert and John (altho often thereto required) the aforesaid sum of eighteen hundred and twenty one pounds ten shillings current money to him the said Luke have not contented or paid but the same to him to Content or pay hitherto they have altogether refused and still do refuse to the damage of him the said Luke in the sum of eighteen hundred pounds current money aforesaid and therefore he brings suit andsoforth and brings here into Court the writing obligatory aforesaid sealed with the seals of the said Robert and John whose date is the day and year aforesaid which the debt aforesaid in form aforesaid testifies.

Wm. H. Dorsey for Plaintiff. Pledges andsoforth. { John Doe and Richd Roe

Oyer of the writing obligatory aforesaid in the declaration above mentioned.