force and injury when andsoforth and pray an hearing of the Condition of the same writing and it is read unto them which being read and heard the said Robert Bradley Tyler and John Smith Brookes say that the aforesaid Luke Marbury his action aforesaid thereof against them to have or maintain ought not, because they say that they the said Robert Bradley Tyler and John Smith Brookes paid to him the aforesaid Luke Marbury the sum of money in the Condition aforesaid above specified, according to the form and effect of that Condition and this they are ready to verify; wherefore they pray Judgment if the aforesaid Luke Marbury his action aforesaid against them to have ought andsoforth.

And the said Luke Marbury saith that he by any thing by the said Robert Brandley Tyler and John Smith Brookes above in pleading alledged from having or maintaining his action aforesaid against them ought not to be precluded because he saith that the aforesaid Robert Bradley Tyler and John Smith Brookes have not paid unto him the said Luke Marbury the aforesaid sum of money in the Condition aforesaid mentioned in such manner and form as the said Robert Bradley Tyler and John Smith Brookes above by pleading have alledged and of this he prays may be enquired of by the Country and the aforesaid Robert Bradley Tyler and John Smith Brookes in like manner andsoforth.

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 next twelve &c by whom &c and who neither &c. to recognize &c because aswell &c the same day is given to the said Parties then and there &c.

And now here at this day to wit the said second Tuesday of October being the twelfth day of the same month anno domini Seventeen hundred and ninety comes again aswell the said Luke Marbury by his attorney aforesaid as the said Robert Bradley Tyler and John Smith Brookes by their attorney aforesaid But our said Sheriff hath not sent his writ.

Nevertheless

Nevertheless the aforesaid Robert Bradley Tyler and John Smith Brookes by their attorney aforesaid relinquishing the averment above by them pretended say that they cannot deny the action aforesaid of the aforesaid Luke Marbury so as aforesaid against them brought nor but that they owe to the aforesaid Luke Marbury the aforesaid sum of eighteen hundred and twenty one pounds ten shillings Current money in manner and form aforesaid so as the aforesaid Luke Marbury above against them hath declared.

Therefore it is considered by the Judges here that the aforesaid Luke Marbury recover against the said Robert Bradley Tyler and John Smith Brookes as well the sum of eighteen hundred and twenty one pounds ten shillings Current money his debt aforesaid confessed as also the sum of seven hundred and fifteen 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 untill the first day of January next.

Test Jno Gwinn Clk.

W.W.K. Gale Fearon &c against
G.D. Walter Bowie

Be it remembered that heretofore to wit on the eighteenth day of April Anno domini Seventeen hundred and eighty nine the Plaintiffs by William Cooke their attorney sued out of our General Court here the State of Maryland's writ of Capias ad respondendum directed to the sheriff of Prince Georges County in the words and figures following, to wit.

The State of Maryland Sct. To the sheriff of Prince Georges County Greeting. We command you that you take Walter Bowie late of Prince Georges County planter if he shall be found in your bailiwick and him safe keep so that you have his body 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 Matthias Gale Benson Fearon, Daniel Stephenson and John Dawes Junior

In