Judson and Zadock their Action aforesaid thereof against him to have or maintain ought &c.

And the said Judson, M. Clagett and Zadock Clagett say that they by any thing by the aforesaid David Burnes above in pleading alledged from having or maintaining their Action aforesaid against him ought not to be precluded, because they say, that after the executing the writing obligatory mentioned in the said Declaration and before the Impetration of the Original Writ according to the form of the Statute in such case made and provided (that is to say on the twenty sixth day of March in the Year of our Lord one thousand seven hundred and ninety four at Montgomery County aforesaid the aforesaid David Burnes did not pay to them the said Judson M Clagett and Zadock Clagett the said sum of Two hundred and twenty three pounds ten shillings current money of Maryland in the Condition aforesaid mentioned with the Interest thereon due in such manner and form as the aforesaid David Burnes above by pleading hath alledged, and of this they pray may be enquired of by the Country &c and the aforesaid David Burnes in like manner &c.

Therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of May next by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid there and there &c.

And now here at this day to wit, the said second Tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and ninety five come again here into our General Court as well the aforesaid Judson M Clagett and Zadock Clagett by their Attorney aforesaid, as the aforesaid David Burnes by his Attorney aforesaid, Nevertheless the aforesaid David Burnes by his Attorney aforesaid relinquishing the averment aforesaid above by him pretended says that he cannot deny the Action aforesaid of the aforesaid Judson M. Clagett and Zadock Clagett so as aforesaid against him brought, nor but that he owes to the aforesaid Judson M. Clagett and Zadock Clagett the aforesaid sum of Four hundred and forty seven pounds Current Money of Maryland in manner and form aforesaid so as the aforesaid Judson M Clagett and Zadock Clagett above against him have declared. Therefore it is considered by the Judges here that the said Judson

(M)

M. Clagett and Zadock Clagett recover against the aforesaid David Burnes as well the sum of Four hundred and forty seven pounds Current Money of Maryland their Debt aforesaid in form aforesaid confessed as also the quantity of Eight hundred and forty one pounds of Tobacco by the Court here unto the said Judson M Clagett and Zadock Clagett 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, Judgment was rendered in this Cause on the fifteenth day of May Anno Domini seventeen hundred and ninety five for Penalty and Costs of Suit; And the Plaintiffs agree to release the Penalty upon the payment of Principal Interest, and Costs, and agree to stay Execution until the first day of August next, payments if any to be allowed. Test. John Gwinn Clk.

Sarah Bowling, and
Walter Bowling, use
of Harriett Clagett
against
Joseph Boarman, of Ralph.

Be it remembered that heretofore, to wit, on the twenty second day of January Anno Domini seventeen hundred and ninety four, the Plaintiffs by Philip Barton Key their Attorney sued out of our General Court the State of Maryland a 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, &c, To the Sheriff of Prince Georges County Greeting. We command you that you take Joseph Boarman late of Prince Georges County otherwise called Joseph Boarman of said County 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 Sarah Bowling and Walter Bowling of a plea that he render unto them the full and just sum of One hundred and seventy eight pounds ten shillings Current Money which to them he owes and unjustly detains and so forth, hereof fail not at your peril and have you then and there this writ. Witness the Honourable Samuel Chase Esquire, Chief Judge of our said Court the 12th. day of November Anno Domini 1793.

Issued the 22 day of January 1794. (P. D. Key) Jno. Gwinn Clk.

And the aforesaid Sarah Bowling and Walter Bowling by their

(Attorney)