And thereupon, on motion of the said Sarah and Daniel Ferguson by their Attorney aforesaid, it was ruled by the Court that the said Bodien Warner answer to the Declaration aforesaid of them the said Sarah and Daniel Ferguson in the Plea afd. And the said Bodien Warner by his Attorney aforesaid further defended the wrong and injury when, &c — And prayed leave of the Court to imparle until the next Term, and he had it; The same day was given to the said Sarah and Daniel Ferguson, then, &c — And now here, at this day, to wit, the second Tuesday of September in the year of our Lord one thousand seven hundred and ninety nine comes again into Court the parties aforesaid by their Attornies aforesaid: And the said Bodien Warner by his Attorney aforesaid further defends the wrong and injury when &c and says, that he cannot gainsay the action aforesaid of them the said Sarah and Daniel Ferguson, so as aforesaid against him brought, nor can he deny but that he owes to, and unjustly detains from the said Sarah and Daniel Ferguson the aforesaid sum of one thousand one hundred and thirty eight pounds nine shillings and five pence half penny Current money, in manner and form as they the said Sarah and Daniel Ferguson above thereof against him Complain — Therefore it is considered by the Court here that the said Sarah and Daniel Ferguson recover against the said Bodien Warner as well the sum of one thousand one hundred and thirty eight pounds nine shillings and five pence half penny Current money their Debt aforesaid in form aforesaid acknowledged, as also the Quantity of six thousand and forty one pounds of Tobacco for their Damages which they have sustained as well by occasion of the detention of that Debt as for their Costs and Charges by them about their Suit in this behalf laid out and expended, adjudged by the Court here unto the said Sarah and Daniel Ferguson with their Assent: And the said Bodien Warner in mercy &c — Test, James Earle Junr. Clerk —

Memorandum. Judgment was confessed in this action, on the twelfth day of September 1799 for Penalty and Costs. — To be released on payment of the principal, Interest and Costs — with Stay of Execution until the next Term — Payments, if any, to be allowed.

Sarah Ferguson and Daniel Ferguson, use of Owen and Jonathan Jones against Charles Hayne

Be it remembered that on the eleventh day of May in the year of our Lord one thousand seven hundred & ninety eight, Command was given to the Sheriff of Kent County, to take Charles Hayne late of Kent County Merchant, if he should be found in his Bailiwick, & him safe keep, so that he might have his body before the Judges of our General Court, to be held at Easton, in Talbot County, the second Tuesday of September then next, to answer unto Sarah Ferguson and Daniel Ferguson, of a plea that he render unto them, the sum of eleven hundred and thirty eight pounds nine shillings and five pence half penny Current money of Maryland, which to them he owes and unjustly detains &c — And that thereof he the said Sheriff should not fail at his peril, and should have then and there that Writ &c — At which said second Tuesday of September in the year of our Lord one thousand seven hundred and ninety eight, (being the day for the return of the aforegoing Writ) came into Court the said Sarah Ferguson, and

Daniel Ferguson, by Nicholas Hammond Esquire their Attorney, and the Sheriff of the County aforesaid, to whom the same Writ was directed, likewise came, and made return thereof to our said Court, thus endorsed, to wit — "Cepi, Per: Hutchinson Shff" — And the said Charles Hayne being called, appeared in Court by Samuel Chew Esq. his Attorney: And thereupon, on motion of the said Sarah and Daniel Ferguson by their Attorney aforesaid it was ruled by the Court that the said Charles Hayne give special bail in the plea aforesaid, whereupon the said Charles Hayne by his Attorney afsd. offered in Court a certain Bail-piece, and which being approved of, is in form following, to wit — Sarah Ferguson and Daniel Ferguson — Plaintiffs against Charles Hayne — Defendant. } Debt £1138. 9. 5½ — You Bodien Warner & John Roche do jointly and severally acknowledge yourselves Special bail for the said Charles Hayne at the suit of the said Sarah Ferguson and Daniel Ferguson, in an action of Debt, brought by the said Sarah Ferguson and Daniel Ferguson against the said Charles Hayne in the General Court — They acknowledge themselves to be content therewith this 25th day of August one thousand seven hundred and ninety eight — before M. Thomas. — William Spencer. —

And the said Charles Hayne by his Attorney aforesaid defended the wrong & injury when, &c — And prayed leave of the Court to imparle until the next Term, and he had it; The same day was given to the said Sarah and Daniel Ferguson, then, &c. —

At which said next Term, to wit — the second Tuesday of April in the year of our Lord one thousand seven hundred and ninety nine came again into Court the parties afsd. by their Attornies aforesaid, And the said Sarah and Daniel Ferguson by their Attorney aforesaid Declared against the said Charles Hayne in the plea aforesaid in manner and form following, to wit. — The Eastern Shore of Maryland, Kent County, to wit, Charles Hayne late of Kent County, Merchant, was summoned to answer unto Sarah Ferguson and Daniel Ferguson of a plea that he render unto them the sum of eleven hundred and thirty eight pounds, nine shillings and five pence half penny Current money of Maryland, which to them he owes, and unjustly detains &c —

And whereupon the same Sarah Ferguson and Daniel Ferguson by Nicholas Hammond their Attorney, say, that whereas the said Charles Hayne, on the first day of October in the year seventeen hundred and ninety six, at the County aforesaid, by his certain writing Obligatory which, sealed with the Seal of the said Charles Hayne, the said Sarah Ferguson and Daniel Ferguson here into Court bring, the date whereof is the same day and year aforesaid, acknowledged himself to be held and firmly bound unto the said Sarah Ferguson and Daniel Ferguson, in the aforesaid sum of one thousand one hundred and thirty eight pounds, nine shillings and five pence half penny Current money of Maryland, to be paid to the said Sarah Ferguson and Daniel Ferguson, or their Assigns, whenever the said Charles Hayne should be thereto afterwards required; To the payment whereof the said Charles Hayne did bind himself firmly by the same writing. Nevertheless the said Charles Hayne (although often thereto required) the sum of money aforesaid, or any part thereof, to the said Sarah Ferguson and Daniel Ferguson, or to either of them, yet hath not paid, but the same to them to pay hath hitherto altogether refused and still doth refuse, to the Damage of the said Sarah Ferguson and Daniel Ferguson in the sum of one thousand five hundred pounds,