

August Court ---- 1723 -- 95

as also the Costs amounting upon the writ of attachment aforesaid and that the said Thomas Dasher have
his Execution thereof against the said Samuel Bratton amounting to act of assembly &c

By Lewis Covington } Command was given to the Sheriff of Somerset County that he should take John Barkley
ag. } late of Stegney Parish in the County aforesaid and that he should be found in his Bailiwick and
for John Barkley } and him should safe keep so that he might have his Body before the Justices of his Lordships
County Court of Somerset to be held at dividing Creek the third Tuesday of August then next to answer unto
Lewis Covington of plea that he tender unto him two thousand four hundred good Slaves of white Oak full three foot long
&c and that there he should not fail &c And the said Lewis Covington by Lewis Gale his attorney declares against the
said John Barkley in the plea aforesaid as followeth vid. Somerset County sh. John Barkley late of Stegney Parish in the
County aforesaid was summoned to answer unto Lewis Covington of plea that he tender unto him two thousand four hundred
good Slaves of white Oak full three foot long &c And whereupon the said Lewis Covington by Lewis Gale
his attorney saith that whereas the aforesaid John the thirteenth day of January One thousand Seven hundred and thirty two
two three at the Parish aforesaid within the Jurisdiction of this Court by his Certain Vice Obligatory which the said Lewis
Covington brings here into Court whose date is the same day and year aforesaid obliged himself to pay and deliver unto
the aforesaid Lewis Covington two thousand four hundred good Slaves of white Oak full three foot long by the last day
of March next ensuing the date of the said Vice. Nevertheless the said John altho' often thereunto requested the
aforesaid two thousand four hundred good Slaves of white Oak full three foot long as aforesaid to the said Lewis Covington
hath not Rendered but he the same to the said Lewis Covington hitherto, to tender hath altogether denyed and still
doth deny whereby the said Lewis Covington say, he is worse and hath damage to the value of four thousand eight
hundred Lake Slaves and thereof he brings Suit &c Lewis Gale Esq. Quer. Eledgs. &c. Doct. K. Roe

At which said third Tuesday of August to witt the twentieth day of the same month and Year One thousand Seven
hundred and twenty three being the day of the return of the said Writ Cometh the said Lewis Covington by his attorney
aforesaid and the Sheriff of Somerset County to whom the foregoing writ was directed Like wise Cometh and maketh return
thereof to the Court here Endorsed in these words following vid. Capi. Corpus so answer for Mr. Lester Sheriff

Whereupon the said John Barkley in his own proper person appears Cometh and defends the force and
injury whereof and says that he cannot gain say the justness of his action aforesaid against him brought nor can he say but
that the writing Obligatory aforesaid is his act and deed and that the debt therein mentioned is yett due and remaini-
ng, wherefore the said justness prays Judgment for his debt aforesaid and his Costs and Damages Sustained by Reason of the
detaining the same debt to him to be adjudged &c

Therefore it is Considered by the Justices here the twentieth day of August and
Year One thousand Seven hundred and twenty three aforesaid that the said Lewis Covington recover against the said
John Barkley as well the sume of two thousand four hundred good Slaves of white Oak full three foot long his
debt aforesaid as also the sume of Two hundred & Sixty Six Pounds of Tobacco by the Court
here adjudged unto him for his Costs and Damages Sustained by Reason of the detaining of the the same
debt to him to be adjudged &c and the debt in mercy &c