That afterwards and between the first day of November seventeen hundred and forty eight and the last day of May in the Year of our Lord seventeen hundred and forty nine to wit on the twenty second day of May in the Year last afsd at the County afsd he the said William did repair to a certain Thomas Jennings Gentleman one of the justices of the said Right Honble the Lord Propry for the County afsd and before him then and there did make Oath that he the said William had Offered the Tobacco due from him the said William to the Vestry of Westminster Parish to the said Vestry and that they had Neglected and delayed to receive the same whereupon a certain John Howard Gentleman one other of the justices of the said Lord Propry for the afsd County afterwards to wit on the twenty fifth day of May in the Year last afsd at the County afsd did appoint Thomas Wright and Aaron Hawkins two sufficient Persons and Freeholders in the Neighbourhood (not being of kin either to the said William or to the said Vestry) where the said William did dwell to View search and Examine such Tobacco so then ready to be paid in discharge of the said Debt and Tendered as afsd and which said Thomas and Aaron did afterwards to wit on the day and Year last afsd at the County afsd take their Oaths administred by the said John Howard well and truly to View search and Examine the Tobacco due from and as afsd Tendered by the afsd William to the afsd Vestry whether the same were Clean Sound & Merchantable and to make Report thereof to him the said John Howard or to some other Magistrate of the said County And the afsd William further saith that afterwards and before the Impetration of the Original Writ of the said Lord Propry in this Cause to wit on the twenty fifth day of May in the Year last afsd at the County afsd they the said Thomas Wright and Aaron Hawkins did View search and Examine the Tobacco due from and as afsd Tendered by the said William to the said Vestry and upon the View search and Examination afsd the said Tobacco being by the afsd Thomas and Aaron found Clean Sound & Merchantable and fit to be paid in discharge of the afsd Debt of nine hundred and twenty nine Pounds of Tobacco so as afsd due from the afsd William Thornton to the said Vestry they the said Thomas and Aaron did then and there Mark the Quantity of Nine hundred and twenty nine Pounds Nett of Tobacco in one Hogshead for the said Vestry upon the head and Bulge and did also then and there Weigh the same and the Nett Weight thereof did signify unto the afsd John Howard and of the Premises did then and there make report to the said John Howard according to the form of the Acts of Assembly in such Cases made and provided and this the said William is ready to Verify & so forth wherefore the said William prays Judgment if the said Lord Propry his Action afsd therefore against him the said William to have or maintain ought &c.

And the afsd Attorney General saith that the Plea afsd by the afsd William in manner and form afsd in his Rejoinder above Pleaded and the matter in the same contained are no ways sufficient in Law to preclude the same Lord Propry from having his Action afsd thereof against the said William to which said Plea he hath no need nor by the Law of the Land is in any wise held to Answer and this the said Attorney General on behalf of the said Lord Propry is ready to Verify wherefore for want of a sufficient Rejoinder in this behalf the same Attorney General on behalf of the s.d Lord Propry prays Judgment for the Debt afsd and the Damages sustained by Occasion of detaining the same Debt to the said Lord Propry to be Adjudged &c.

And the said William saith that the Plea afsd by him the said William in manner and form afsd above in his Rejoinder Pleaded and the matter in the same contained are good and sufficient in law to preclude the same Lord Propry from having and maintaining his Action afsd thereof against him the said William

(which)

said Plea and the matter in the same contained he the said William is ready to Verify &c. and because the same Attorney General on behalf of the said Lord Propry hath not Answered to that Rejoinder nor the same in any manner hath hitherto denied the same William as Before prays Judgment and that the said Lord Propry from having his Action afsd against him the said William may be Precluded &c.

Whereupon all and singular the Premises being by the Court here seriously fully understood and matter deliberation thereupon had for that it seems to the Court here that the Plea afsd by the afsd Attorney General in manner and form afsd on behalf of the said Lord Propry in his Replication above Pleaded and the matter in the same contained are no ways sufficient in Law to ba the said Lord Propry to have or maintain his Action afsd.

Therefore it is Considered by the justices here that the said Lord Propry take nothing by his Writ afsd but that the said William Thornton go thereof without day &c. and it is also Considered that the said William Thornton recover against the Vestry of Westminster Parish in Annarundel County (at whose request this Suit was brought) the Sum of

666⅔ Pounds of Tobacco by the Court here unto him on his Agent Adjudged for his Costs and Charges by him about his defence in this behalf laid out & Expended and that he have thereof his Execution &c.

Mem.d Att Gen.l withdrew from the Bench on the Argum.t heard. Test. G. BURGESS Clk

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WC. NB. The Lord Propry
v.
NB. WT. William Thornton

Maryland ss. John Ross late of the City of Annapolis in Annarundell County Esquire otherwise called John Ross of Ann.l County was summoned to Answer unto the Right Honourable Charles Lord Baron of Baltimore of a Plea that he render unto him Two hundred thousand Pounds of good Sound Merchantable Leaf Tobacco and Cask which to him he owes and unjustly detains &c.

And Whereupon Henry Dorsett Esq.r Attorney General of the said Lord Propry who for the said Lord Propry in this behalf followeth saith that Whereas the said John Ross on the nineteenth day of December in the Year of our Lord Seventeen hundred and forty seven at Annarundel County afsd by his certain Writing Obligatory Acknowledged himself to be held and firmly Bound unto the said Lord Propry in the afsd full Sum and just Quantity of Two hundred thousand Pounds of good Sound Merchantable leaf Tobacco and Cask to be paid to the said Lord Propry when afterwards he should be thereunto required Nevertheless the afsd John Ross altho' often required the afsd full Sum and just Quantity of Two hundred thousand Pounds of good Sound Merchantable Leaf Tobacco and Cask or any part thereof to the said Lord Propry hath not rendered but the same to the said Lord Propry to render hath refused and full doth refuse to the Damage of the said Lord Propry Two hundred thousand Pounds of good Sound Merchantable Leaf Tobacco and Cask afsd and thereof he brings the Suit &c. and the said Attorney General of the said Lord Propry brings hereunto Court the Writing Obligatory afsd Sealed with the Seal of the said John Ross which the Debt afsd in form afsd witnesseth the date of which is the day and Year aforesaid

Pledges &c. { John Doe / Rd. Roe

And the afsd John Ross by Stephen Bordley his Attorney comes and defends the Force and Injury when &c. and prays a hearing of the Original Writ of the same Lord Propry against him the said John Ross in this Cause Impetrated and it is read unto him in these Words Viz.t Maryland ss. Charles Absolute Lord and Propry of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Annarundel County Greeting We Command you that you take John Ross late of the City of Annapolis in Annarundel County Esquire otherwise called John Ross of Ann.l County if he shall be found in your Bailiwick and him safe keep so that you have his Body before the Justices of our Provincial Court to be held at Annapolis the Third Tuesday of October next to Answer unto us of a Plea that he render unto us Two hundred thousand

(Pounds)