William Burgess Esqr
ag.
Thomas Vaughan

Maryland ss: Thomas Vaughan otherwise called Thomas Vaughan of Talbot County in the province of Maryland Gentleman summoned to answer unto William Burgess of Anne Arundell County Merchant of a plea that he render unto him the full sum and just quantity of twenty pounds sterling pounds of good sound Merchantable Tobacco and ought to and pay the same owing to him he owe and unjustly detaineth

And whereupon the said William by Robert Tuttle his attorney saith That whereas the said Thomas Vaughan upon the thirteenth day of October in the yeare of our Lord one thousand six hundred eighty and two at the Ridge in Anne Arundell County by his certaine bond or writing obligatory sealed with the seale of him the said Thomas and now in Court produced whose date is the day and yeare aboveesaid did confess and acknowledge himselfe to be holden and firmly bound unto the said William Burgess in the full and just sum of twenty pounds sterling pounds of Tobacco to be payd to the said William yet notwithstanding the said Thomas the said sum of 20000 of Tobacco to him the said William though often thereunto required hath not payd or satisfied and doth deny to pay the same to the damage of the said William 30000 of Tobacco and thereupon he brings his suite

Replevin

plegi de prosequendo
Jno Doe
Rich Roe

Now heere at this day to wit the three and twentieth day of March in the Ninth yeare of the Dominion of Charles by the grace of God &c. Anno Dom 1683 came the said William Burgess by his attorney aforesaid and offered himselfe against the said Thomas Vaughan in the plea aforesaid &c. and the said Thomas Vaughan came not but made default wherefore it is considered by the Court here that the said William Burgess recover against the said Thomas Vaughan the sum of twenty pounds sterling pounds of Tobacco the debt aforesaid as also the sum of five hundred (sterling) pounds of Tobacco pounds of Tobacco for his damages by him sustained and the said Thomas in mercy &c.

John Lorter — appeale
ag.
John Sunderland

Command was given to the sheriffe of Talbott County that he take John Lorter late of Talbott County planter and him safely keepe so that he have his body before our Justices of our court of Talbott County Court to be held at Talbott County the third Tuesday in March next to answer unto John Sunderland of a plea of trespasse upon the case that he take the said writ &c. &c. which said day came the said sheriffe and returned the said writ and reason which said day came the said John Lorter is taken into his custody according to the tenor in name John Lorter is taken into his custody according to the tenor of the writ required

Jno Hawkins sheriff

John Lorter by Mirgatt Tawney his attorney and at the aforesaid day came the said John Lorter by his said attorney and the said John Sunderland appeared in the aforesaid court whereupon the said John Lorter by his said attorney filed his declaration against the said John Sunderland by James Crawford his attorney filed his declaration against the said John Sunderland was summoned till the third Tuesday in June next and at which said day of June came the said John Sunderland by James Crawford his attorney and the said John Lorter by Mirgatt Tawney his attorney and the said John Sunderland by his attorney filed his plea to the declaration aforesaid and the said John Sunderland by his said attorney prayed judgment whereupon Command was given to the sheriffe of Talbott County that he cause to come before the Justices of our court of Talbott County the Tuesday next after William Whittington Thomas Sleggat Newman Harper William Turner William Hoad William Holdsworth Gent. George Herdsey John Daniell Henry Dennis William Hoad William Wadsworth John Lanion Petty Jurors to be sworne to try the issue joyned between the said parties according to the evidence which was read the declaration and plea following

before the Esqr James Bowman Mr John Higgs Esqr Justices aforesaid and Mr Thomas Marsh Gent. Justices of the said Court

Talbott County Court ss: John Lorter late of Talbott County planter was attached to answer unto John Sunderland of a plea of trespass upon the case &c.

And whereupon the said John Sunderland by James Crawford his attorney complaineth that whereas the said John Lorter upon the ground the twelfth day of July in the yeare of our Lord God one thousand six hundred eighty and five did in the County aforesaid in Talbott County planter in the sum of three hundred twenty and five pounds of Tobacco in Sunderrants under the said John Lorter therein the day of June in the yeare of our Lord God one thousand six hundred and eighty at the house of Thomas Coxden at Talbott County in Talbott County aforesaid did assume upon him the said John Sunderland did faithfully promise that he the said John Lorter would pay to the said John Sunderland the aforesaid sum of three hundred twenty and five pounds of Tobacco when thereunto required the aforesaid sum of three hundred twenty and five pounds of Tobacco to the said John Sunderland well and truly would pay but the said John Lorter the said promise and assumption of the said John Lorter the said promise and assumption so made in not with regarding but disdaining and fraudulently and in binding him the said John Sunderland craftily and subtilly to deceive and defraud the said John Lorter the aforesaid sum of three hundred twenty and five pounds of Tobacco nor any part thereof to the said John Sunderland hath not payd although the said John Lorter by the said John Sunderland hath thereunto required but the same to pay hath refused and refused and still doth deny and refuse to pay the aforesaid sum of three hundred twenty and five pounds of Tobacco whereupon the said John Sunderland saith that he is the worse and hath damage to the value of eight hundred pounds of Tobacco and therefore he brings his suite &c.

James Crawford pq.

plegi de prosequendo
Jno Doe
Rich Roe

John Sunderland pltff
John Lorter deft

plea for the deft

And the said John Lorter by Mirgatt Tawney his attorney comes and defends the force and injury when &c. and says that he did not promise upon his assumption in manner and form as the said John Sunderland in his declaration aforesaid has set forth and of this he puts himself upon the country — Mirgatt Tawney for deft — and the pltff also prays as James Crawford &c.

After hearing of the evidence and examination of the witnesses the jury goe out to consider and after consideration returned and bring in their verdict in these words viz. We the jury find for the pltff then came the said John Lorter by Mirgatt Tawney his attorney and moved in arrest of judgment and prayed time until the third Tuesday in August next to show his reasons for arresting the same which is granted unto him and the same day is given to the said John Sunderland pltff which said day of August came as well the said Mirgatt Tawney the said attorney as the said John Sunderland by James Crawford his attorney and the said John Lorter by his said attorney filed his reasons for arresting the said judgment whereupon the said John Sunderland by James Crawford his attorney craves time till the third Tuesday in September next to deliver the said reasons whereupon day is given to both parties until the third Tuesday in September next at which said day of September came as well the said John Lorter by Mirgatt Tawney his attorney as the said John Sunderland by James Crawford his attorney and the aforesaid John Sunderland by his said attorney filed the reasons aforesaid but the same being but two fugitive matter in order to the holding of a court therefore they did adjourn till another day viz. until the third Tuesday in November next and at the aforesaid day of November came the said John Lorter by Mirgatt Tawney his attorney and filed his replication to the aforesaid demurrer and also came the aforesaid John Sunderland by James Crawford his attorney and then were read the reasons demurrer and replication following viz. Coram Jacobo Bowman Mr John Higgs Mr George Lingan Mr Francis Potter Justices of the said Court

Talbott County Court ss. John Sunderland pltff
John Lorter deft

Attachment with 325 lbs tob. } verdict being for the pltff } the 21st of June 1682

The deft moved in arrest of judgment and craved time till the third Tuesday in August then next to show his reasons for the same which being given the said John Lorter by Mirgatt Tawney his attorney now comes into court the