Justly Indebted unto Capt Thomas Lumm of Yarmouth in Great Britaine or to his Lawfull Agents or Assignes the full and Just Sum of Eight hundred and twenty pounds sterling to be paid unto the said Thomas Lumm or his aforesd agents or Assignes to which payment well and truly to be made and done I bind my Self my heirs Exrs Admrs or Assignes firmly by These Presents Witness my hand and Seale this 8th day of July Anno Domi 1709 And I the said Susanna do pray the hearing of the Originall writt of the aforesd Thomas Lumm and the same is read unto her in these words Viz Anne by the grace of God of Great Britain France and Ireland Queen defender of the Faith &c To the Sheriff of Baltimore County Greeting we Command you that you take Susannah Adams of Baltimore County widdow Admrx of the Goods and Chattle rights and Credits of Wilkinson Adams dece'd late called Susa Adams of Baltimore Co in the province of Maryland if she shall be found in your Ballywick and her safe keep so that you have her body before the Justices of our prov Court to be held at Annapolis the 2d Tuesday of October next to Answ unto Thomas Lumm of London Merchant of a plea that she render unto him the Sume of Eight hundred pounds sterling and Seven pence sterling for her unjustly detaining from him the unjustly delaying of the same as she hath said and have you then there this writt Witness Wm Holland Esqr Chief Justice of our said Court the 15th day of July in the 9th Year of our Soveraigne Lady Anne by the Grace of God Queen &c Anno Domi 1710

J Beale Clk

Which being read and heard the said Susanna Adams prays Judgmt of the writt and Declaration aforesd because she Sayth that the said Thos Lumm by his writt aforesd Supposeth that she the said Susanna unjustly detaineth from the said Thomas Eight hundred pounds sterling one hundred pounds Starling & Season pence Sterling and the said Susanna should render and also by the Declaration aforesd the above Supposeth that the said Susanna unjustly detaines from the said Thos Lumm five hundred and ninety pounds one shilling and Seven pence sterling which the said Susanna should render Whereas in the writing obligatory aforesd there are not any words Containing and warranting there words in the writt aforesd Specifyed to writt Eight pounds one shilling & seven pence sterling nor are there any words in the said writting obligatory or in the said writt Containing or warranting there words in the Declaration aforesd Viz five hundred and Ninety pounds one shilling & Season pence sterling and by the writt and Declaration aforesd are not warranted of and upon the writing obligatory of the aforesd Thomas Lumm in this Honble Court brought wherefore the said Susanna prays Judgmt of the writt & Declaration aforesd &c

And the aforesd Thomas Lumm Says that the plea aforesd of the aforesd Susanna in Manner and forme as aforesd pleaded in Abbatem of the writt and Declaration aforesd and the Matter in the same Contained is not sufficient in Law and that he the said plea in Manner and forme as aforesd pleaded he hath not nor by the Law of the Land is obliged to Answer and this he is ready to verifie wherefore for want of a sufficient plea in this part the said Thos prays Judgment and the said debt aforesd to gether with his damages by reason of the detaining of the same to him to be adjudged — And for Cause of Demurrer in that part of the same Thos according to the form of the Statute in that Case Late made and provided to the Court here shews as follows Viz in that in the same plea there wants an Averment Viz & hoc paratus est verificare and for that the same plea is Uncertain and wants form &c

Whereupon

Whereupon all and Singular the premises being by the Court here Seen Read and fully understood and mature deliberation being thereupon had for that it Seems to the Court here that the plea aforesd of the aforesd Susanna in Manner and forme aforesd pleaded in abatement and the Matter in the same alleadged is insufficient in Law to abate the writt aforesd

Therefore it is Considered by the Justices here that the 13th day of July Anno Domi 1714 aforesd that the said Thomas Lumm take Nothing by his writt aforesd but be in Mercy for his false Clamour and that the said Susanna Adams adm as aforesd Go thereof without day — And also it is Considered by the Justices here that the said Susanna Adams adm as aforesd recover against the said Thos Lumm the Sume of [illegible] pounds of Tobacco by the Court here adjudged unto her for her Costs and Charges by her about her defence in this behalf laid out and Expended according to the form of the Statute &c

1120

Pltt Henry Wharton — Maryland ss Henry Tanner of Talbot County Cooper
Wits: Wm Henry Tanner — Otherwise called Henry Tanner of the same County and Province Cooper was Summoned to Answer unto Henry Wharton of a plea that he hold to him of Covent Between them made according to the form and Effect of Certain Indenture of Lease Between them made &c

And Whereupon the said Henry Wharton by Wm Bennett his Attorney Says that whereas by Certain Indenture made and Sealed Charles County in the province aforesd the twenty fifth day of July in the Year of our Lord one thousand Seven hundred and fourteen Between the said Henry Wharton by the name of Henry Wharton of Lewis Neck in Charles County in the province of Maryland Gent of the one part and the said Henry Tanner by the name of Henry Tanner of the same County and Province Cooper of the other part which other part with the Seal of the said Henry Tanner Sealed the said Henry Wharton hath here into Court brought whose date is the same day and year above Witness that the said Henry Wharton for and in Consideration of Certain Sums and Covenants on the Lessees part to be paid performed fulfilled and kept and for other lawfull Consideration him thereto Henry Wharton thereunto Especially Moveing did demise grant and to farm Let and by the said deed did demise grant and to farm Let unto the said Henry Tanner one half of that Neck of Land Called the Judicial Forest belonging to Lewis's Neck aforesd Containing fifty Acres of Land more or less whereon Patrick Allany deced lately did dwell with free Liberty to Clear as much more Land upward and from the same plainland Toward Lewis's neck as he should See Convenient not Exceeding fifty Acres more to have & to hold the said tract or parcell of Land Called the Judicial Forest unto him the said Henry Tanner from the Feast of St Michael the Archangel next Ensueing the date of the said Indenture unto the first End and term of Nine Years from thence next Ensueing and fully to be Compleat

(Cont)