Mary Vansweeringen for that the said James Kaye had not yet to the said Mary the Condemnation of the Court nor rendred his body to the Custody of the Sheriff of St Mary's County according to the form of the recognizance aforesd to wit the fifth day of April Anno Domi Seventeen hundred & Nine at Annapolis at a Prov. Court of the said Lady the Queen then and there held before Wm Holland Esqr and his Associate Justices of the same Court prayd her Execution of the said Thomas Smith and Wm Gaylard as Special Bayles of him the said James Kaye according to the form of their said recognizance and had it By Virtue whereof ye sd Wm Gaylard afores.d to wit the twenty third day of March Anno Domi Seventeen hundred and nine at Annapolis aforesd by the then Sheriff of Anne Arundel to wit John Gresham Junr Gentl was taken to Satisfie unto the said Mary Vansweringen the debt for damage and Costs aforesd as the Sume of Eight hundred and Seventy Six pounds of Tobacco additional Cost upon the awarding of the said Execution and was then and there detained a prisoner in the Custody of the Same Sheriff at the Suit of the said Mary until he had paid and Satisfyed unto her the said Mary Vansweringen the Several Quantities of Tobacco aforementioned and until he had Satisfyed the said Sheriff for the Fees arising due and Executn and office Imprisonm.t and afores.d to wit on the Twenty Seventh day of March Anno Domi Seventeen hundred and Nine at Annapolis aforesd for the Redemption of his body from the Imprisonm.t by Occasion of the Sumes Mentioned Wm Gaylard paid and Satisfyed the same Several Sumes aforesd to the said Mary Vansweringen and also all the Fees arising on said Execution and Imprisonment unto the Sheriff

And whereas the aforesd Wm Gaylard in his Lifetime did Intend to Implead the said James Kaye of Anne Arundel County in an Action of the Case for damages & Costs where of the said James put the said Wm Gaylard in Surety to the said Mary Vansweringen as by the Rec.d aforesd Kenelm Chiseldyne aforesd to wit the twenty Eighth day of May Anno Domi Seventeen hundred and Nine at Annapolis in Consideration that the said Wm in his Lifetime at the Special Instance and Request of him the said Kenelm would forbear to Sue Implead or Molest him the said James for or Concerning any damage by him the said Wm Sustained by Occasion of the Premisses and would give him some time and not be rash or hinder or obstruct him the said Kenelm so much tobacco as the said Wm was damnified by Occasion of the premisses to him the said Wm he should be ordered and the said Wm requested and in his Lifetime trusting to the said promise and Assumpsion of the said Kenelm so as aforesaid made from the aforesd time of the making of the same promise and Assumpsion of the said Kenelm until the day of the death of the said Wm and James to wit until the Ninth day of November Anno Domi Seventeen hundred and Eleven at Annapolis aforesaid liable for the to Sue Implead or Molest the aforesd James Kaye for or Concerning any damage by Such the said promise and Assumpsion by the said Wm Sustained by Occasion of the said promises and the said James Kaye in fact Says that the said Wm in his Lifetime did not damnify and the said Wm was not damnified by Occasion of the aforesaid promises to the Sume of Forty thousand lbs of Tobacco, Of all which the aforesaid Kenelm Chiseldyne at Annapolis

(County)

County aforesaid the Ninth day of Novr Anno Domi Seventeen hundred and Eleven had notice of the said Kenelm his promise and assumpsion aforesaid wickedly & fraudulently Intending him the said Wm in his Lifetime and the said Audry Since his decease of their Estate Credit and Substance to deceive and defraud the said Sarah Howard pounds of Tobacco or any part thereof to the said Wm in his Lifetime or to the said Audry Since the decease of the said Wm not any ways Contending willing to do the same the said Kenelm by the aforesd Wm Gaylard in his Lifetime of and by the aforesd Audry Since the decease of the same Wm aforesaid to wit the first day of January Anno Domi Seventeen hundred and Eleven at Annapolis aforesaid required that the same to the said Wm in his Lifetime & the said Audry Since the decease of the same to the said Audry to pay & deliver refused and Still refuses in delay of the Execution of the Writ of Error aforesaid and to the Damage of the said Audry Sarah Howard pounds of Tobacco and thereof she brings this Suit &c and she brings here into Court the Letters Testamentary of the said Wm whereby it sufficiently appears to this Court here that the said Audry is Executrix of the said Wm and thereon she prays Judgment &c

Pltffs Attorney

And the said Kenelm Chiseldyne by Thos Macnemara and Danl Dulany Esqrs his Attorneys Come and defend the force and Injury when &c and pray Leave to Imparle hereunto until next Court and he hath it &c Day is given &c

At which said next Court to wit the 14th Day of July Anno Domi 1712 Comes again as well the said Pltff by her Attorney aforesaid as the said Deft by his Attorneys aforesaid and the said Deft by his said Attorneys prays further Leave to Imparle hereunto until next Court and he hath it and the same Day is given to the Pltff also

At which said next Court to wit the 7th Day of October Anno Domi 1712 Comes again as well the said Pltff by her Attorney aforesaid as the said Deft by his Attorneys aforesaid and the said Deft by his said Attorneys prays further Leave to Imparle hereunto until next Court and he hath it and the same Day is given to the Pltff also

At which said next Court to wit the 17th Day of May Anno Domi 1713 Comes again as well the said Pltff by her Attorney aforesaid as the said Deft by his Attorneys aforesaid and the said Deft by his said Attorneys prays further Leave to Imparle hereunto until next Court and he hath it and the same Day is given to the Pltff also

At which said next Court to wit the 13th Day of July Anno Domi 1713 Comes again as well the said Pltff by her Attorney aforesaid as the said Deft by his Attorneys aforesaid and the said Deft by his said Attorneys prays further Leave to Imparle hereunto until next Court and he hath it and the same Day is given to the Pltff also

At which said next Court to wit the 13th Day of April Anno Domi 1714 Comes again as well the said Pltff by her Attorney aforesaid as the said Deft by his Attorneys aforesaid and the said Deft by his said Attorney pray further Leave to Imparle hereunto until next Court & he hath it & the same Day is given to the Pltff also

At which said next Court to wit the 13th Day of July Anno Domi 1714 Comes again as well the said Pltff by her Attorney aforesaid as the said Deft by his Attorneys aforesaid and the said Kenelm Chiseldyne by his Attorneys aforesaid and the said Kenelm Chiseldyne by his Attorneys aforesaid as before & Seeing the force and Injury when &c and pray Judgment of the Writ aforesaid