Mr. William Davis for Jan.y 29th 1707 to Jan.y the 28th 1708

To Your Accomt. Dalcony in the year 1707 and Board 6000 ℔s of Tobacco 6 p.r Cent Levy in the same Year 81 ℔s of Tobacco Your Levy in the Year 1708 — 99 ℔s of Tobacco Contra Cr. By 36 ℔s of Tobacco in Cask 216 Tobacco Cask Tobacco Gross me Cred.d in at the Store on my Book 900 ℔s of Tobacco by Cash p.d Mr. Kinsman at 2 p.r C.t 240 ℔s of Tobacco by Balance Due 240 ℔s of Tobacco from Receipt of Walter Campbell hog.d the 28th Inst. Comm.ce Jacob Lockerman Att.y for the said Pl.ff in this Cause by Nicholas Lowe their Attorney Comes and Defends the force and Injury when &c. and prays Liberty to Imparle here unto the said Court which is Granted them the same Day is Given the Pl.ff Like wise

Now hereat this Day to wit the 11th Day of July 1710 came the said parties by their Attorneys aforesd. and the Pl.ff Walter Campbell prays that the said Stephen Warner and Mary his Wife to his Deed as to Mary Answer and the said Stephen Warner and Mary his Wife by Nicholas Lowe their Attorney Comes and Defends the force and Injury when &c. and for plea saith that the Pl.ff Deed the Deed aforesaid in Contained is not Good and Sufficient in Law to be Answered unto that they the said Mary ought by the Law of the Land is bound to Answer and this they are ready to Verifye wherefore they pray for Judgment if the Pl.ff his Action aforesd. ought to be had and maintained &c. and their Costs and Damages in this behalf Laid out and Expended to be Adjudged them

Walter Campbell Pl.ff

And the said Walter Campbell by his Attorney for Joynder in Demurrer Saith that his Deed & the matter therein Contained is good and Sufficient in Law to be Answered unto which he is ready to Verifye and Prays as the said Mary the Wife of the said Stephen Warner hath not Answered nor Can gainsay nor thereunto at all Answer Whereupon the said Pl.ff Prays Judgment and his Damages by him to be Adjudged &c. Which the Court here upon the Pleadings and Allegations of the Parties being fully and Maturely Heard by the Court do Adjudge the plea in Demurrer aforesaid and Sufficient in Law to Barr and Stay Judgment for the said Sum of 2400 lb.s of Tobacco therefore it is Considered by the Court here the Day and Year last Mentioned that the said Walter Campbell do recover against the said Stephen Warner and Mary his Wife & of the Estate of Wm. Dowse Dec.d the Sum of two thousand two hundred and four score pounds of Tobacco the Debt aforesaid also the Sum of three hundred and one pounds of Tobacco for his Cost and Charges in this behalf Laid out and Expended & the said Defendant Mary Warner

Test Jos. Lee Cl. Cur. & Jacob Lockerman Att.y of Dorchester County Court

And Now here at this day to wit this 12th Day of April Anno Domini 1716 as aforesaid Comes the said Stephen Warner and Mary his Wife into her Majesties Provincial Court by Tho.s Bordley their Attorney and say that in the Record and Proceedings aforesaid and also in the Rendering the Judgment aforesaid it is manifestly Erred in that there is not any certain Time or Place Alleged in the said Pl.ff Declaration when or where the pretended Assumption was made and that the whole Declaration is Immaterial Insufficient Uncertain and wants Form

That the Court ought to have Judged the Demurrer whereas the Declaration ought to have been Judged Insufficient

That Judgment was rendred against the now Pl.ff for Two thousand Four hundred and four score pounds of Tobacco Debt whereas the Action Commenced against them is Trespass on the Case and that the same pretended Debt is not Permitted to be Alleged de Bonis non Testatoris Intestatis &c.

(That)

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That the Court rendred a Final Judgment against the now Pl.ff for Costs & Damages

That Judgment is rendred for the said Walter Campbell against the said Stephen Warner and Mary his Wife & of the said Dowse whereas it Ought to have been rendred for the said Stephen Warner and Mary his Wife & against the said Walter Campbell

Wherefore the said Stephen and Mary pray that the Judgment aforesaid for those Errors and others in the Record & Proceedings aforesaid may be reversed annulled and Altogether held for none and that they the said Stephen & Mary by Reason of the Judgment aforesaid may have Restitution of all which they have lost may be restored and that the said Walter the Errors aforesaid may Rejoyn & and that the Court of this Lord Proprty here may proceed to the Examination and Review of the Record and Proceedings aforesaid and that all and singular the Premises aforesaid for Errors assigned &c.

And for that the said Defendant does not Appear nor any Order made in the said Action There fore the said Defendant Leave time to Appear the next Court and the same day is given the Pl.ff also Leave until the said next Court to wit the 12th day of September Anno Domini 1716 Comes the said Stephen Warner and Mary his wife & by their Attorney aforesaid but for that the said Defendant does not yet Appear nor any Order made in the said Action as yet There fore the said Defendant all Further time nor Leave to Imparle next Court to here the Errors Assigned as aforesaid and the same day is given the Pl.ff also Leave until the said next Court to wit the first day of May Anno Domini 1717 Comes again the said Stephen Warner & Mary his wife & by their Attorney aforesaid And for that the said Defendant does not yet Appear where fore the said Pl.ff by their Attorney aforesaid Pray the Writt of this Lord the Lord Proprty to forewarn the said Walter Campbell of Being here before his Lord Ships Justices of the next Court to here the Errors Assigned upon the Judgment aforesaid & further to do & Grant Upon the Tenor of which Writt follows in these words viz.t

Maryland } Charles Absolute Lord and Proprty of the Provinces of Maryland Avalon Lord Baron of Baltimore &c. To the Sheriff of Dorchester County Greeting Whereas Stephen Warner and Mary his wife late the Last Will and Testament of John Dowse late of the aforesaid County deceased have Lately Obtained a Writt for Correcting of Errors in a certain Judgment Obtained by Walter Campbell against them in Dorchester County Court Now Therefore Command you that by good and Lawfull men of your Bailywick you make known unto the said Walter Campbell that he be & Appear before the Justices of our Provincials Court to be holden at Annapolis the first Tuesday in July next to here the Errors Assigned upon the Judgment aforesaid if he shall think fit and there and then Show Reason if any he have why the said Judgment aforesaid ought not to be Corrected and Reversed as the Records aforesaid do Manifestly Appear and have you there the Names of the Persons before whome you make the same known and this Writt Witness Edward Rolle and Evan Jones Esq.rs Chief Justices of our said Court the 12th day of May in the first year of our Dom.n &c. Annoq Dom.i 1716

Bordley

At which said first Tuesday in July to wit the third day of the same Month Anno Dom.i 1716 being the Day set for the return of the said Writt Comes again the said Stephen Warner and Mary his Wife & by their Attorney aforesaid and the Sheriff of Dorchester County to whom the aforegoing Writt was directed makes no return thereof Whereupon at the Prayer of the said Stephen Warner & Mary his Wife & made by their Attorney aforesaid It is Ordered that Sci fa.s be renewed against the said Walter Campbell to hear the Errors assigned on the Judgment aforesaid & Returnable next Court and the same day is

(given)