161)

Our Lord Christ One Thousand Seven hundred and Nineteen at Cambridge in Dorchester County and within the Jurisdiction of this Court by his Certain Bill Obligatory, which he the said Isaac Kitson with the Seal of the said John Kirke Signed and as his Deed Delivered here in Court whose Date is the same Day and year aforesaid bound himself his heirs Exrs or Assigns to pay to the said Isaac Kitson by the name of Isaac Kitson of London Marner his heirs or lawfull Attorney the full and just Sum of Two Thousand pounds of good Sound Merchantable Leaf Tobacco in Cask Conveniently upon good Choptank River at or upon the Tenth Day of November Next Ensueing the Date of the same Bill. Yet the aforesaid John Kirk altho' often required the aforesaid two thousand pounds of Tobacco as aforesaid to the said Isaac Kitson hath not yet paid, but that he him to render or pay the said John Kirke hitherto hath Denyed and still doth Deny And unjustly Detain to the Damage of him the said Isaac Kitson four Thousand pounds of like Tobacco aforesaid And thereupon he prays Remedy & Pledges of prosecuting

John Doe. Richard Roe

Jacob Lockerman Junr
ats Lucas

Whereupon the said John Kirk in his own proper person comes and Defends the force and injury when & And prays that the said Isaac Kitson may give Security for Costs in Case Nonsuit be Claimed against him in this plea aforesaid which is by the Court granted Thereupon a Certain Charles Ingle of Dorchester County Gent present here in Court undertakes for the said Isaac Kitson that in Case he be Nonsuited in this plea aforesaid or otherwise legally Cast that then the said Isaac Kitson shall pay the Condemnation of this Court and all Costs Accruing thereon to the said John Kirk Or that the said Charles Ingle will Do it for him — Whereupon the said John Kirke as before Defends the force and injury when & And Says that he cannot Gainsay the plaintiffs his Action aforesaid against him brought, Nor Can he Say but that the Bill or Writing Obligatory aforesaid is his Act and Deed, And that the Debt therein Mentioned is yet Due & Undischarged, Wherefore the said plaintiffe prays Judgment for his Debt aforesaid, And his Costs and Damages Sustained by Occasion of the Detaining the same Debt to him to be Adjudged & Therefore It is Considered by the Justices here the Eighteenth Day of November Anno Dni One Thousand Seven hundred and Nineteen that the said Isaac Kitson recover against the said John Kirk as well the Sum of Two Thousand pounds of Tobacco his Debt aforesaid As also the Sum of Two hundred and Thirty Five pounds of Tobo by the Court here Adjudged unto him for his Costs and Damages Sustained by Occasion of the Detaining the same Debt And the Defendant in Mercy &c

Whereupon the said John Kirk prays an Appeal from the Judgment of this Court in this Action aforesaid to the Justices of this Prov Court to be held at Annapolis the second Tuesday of April next which is granted upon giving Security for the Due prosecution thereof According to Law Thereupon the said John Kirke together with Govert Lockerman and Arthur Wheatly his Securities Acknowledged themselves to owe & Stand justly Indebted unto the said Isaac Kitson in the Sum of Four Thousand pounds of

162)

Tobacco to be paid to the said Isaac Kitson his heirs Exrs Admrs or Assigns in Case this said Judgment shall be Affirmed as well for the Debt and Costs Adjudged by the County Court aforesaid as also all Costs & Damages that shall be Awarded by the Prov Court before whom this said Appeal shall be heard and Determined &c In Testimony whereof I have hereunto put my hand and affixed the Seal of the said County Court this 22 Day of February Anno Dni 1719

Govert Lockerman Clk

Isaac

AND Now here at this Day to Wit the 12th Day of April — Anno Dni 1720 Comes into his Lordships Prov Court the said Isaac Kitson by Michael Howard Esqr his Attorney and Offers himself against the said John Kirke in this plea of Debt the said John Kirke altho Solemnly Called Comes not nor Doth he further prosecute his Appeal against the said Isaac Kitson — Therefore It is Considered by the Justices here this Day & Year last mentioned that the said John Kirke and his Pledges of Prosecuting be in Mercy &c And that his Name of the said Pledges be Sought for &c And that the said Isaac Kitson go Hence without Day &c — And further it is Considered that the said Isaac Kitson recover against the said John Kirke the Sum of

731 pounds of Tobacco to the said Isaac Kitson by the Court here Adjudged According to the Form of the Statute there of Lately published and Provided for his Costs and Charges by him about his Defence in this behalf laid out & Expended And that the said Isaac Kitson have there of his Execution —

P.B. Thomas Bordley Esqr for his Lordship } Marylandss

DD Roger Woolford ..... } Roger Woolford late of Dorchester County Gent alias Dict Roger Woolford of the County of Dorset in the Province of Maryland was Summoned to Answer unto Thomas Bordley Esqr Attorney General of his Lordship the Right Honourable the Lord Proprietor of this Province who for the Lord the King that now is in this behalf prosecuteth of a Plea that he Render unto the said Lord the King two hundred thousand pounds of Good Sound Merchantable Leaf Tobacco and Cask which from the said Lord the King he unjustly Detains &c

And Whereupon the same Thomas Bordley who for the said Sovereign Lord the King prosecuteth Saith that whereas the said Roger Woolford the Eighteenth Day of June in the Year of Our Lord God Seventeen hundred and Nine at Annarundle County by his Certain Writing Obligatory Granted himself to be held and firmly bound unto her late Majesty Queen Anne of Great Britain &c in the aforesaid two hundred thousand pounds of good Sound Merchantable Leaf Tobacco & Cask to be paid unto the said Lady the Queen her heirs and Successors when he should be after wards thereunto required. Nevertheless the aforesaid Roger altho often required the aforesaid Two hundred thousand pounds of Tobacco to the said late Lady the Queen or to the now Lord the King hath not yet Rendred but the same to the said

Lady