Provinciale Court here of a Plea that he render unto him Fourteen hundred & forty pounds Sterling which to him he doth and unjustly Detaineth &c.

And Thereupon the Same Thomas Bordley in his Proper Person according to the Custome of this Court Says that Whereas the aff. Robert Gordon the twenty Seventh Day of May Anno Dom. Seventeen hundred and twenty four at Ann Arundell County by his Certain writing Obligatory Acknowledged himself to be bound unto the aff. Thomas Bordley in the aff. Sum of Fourteen hundred & forty Pounds Sterl. to be paid unto the Said Thomas Bordley when thereto he should be required Nevertheless the aff. Robert Gordon altho' often required the aff. Fourteen hundred and forty Pounds Sterling to the Same Thomas Bordley hath not yet Rendered but the Same to him hitherto to render hath refused and still doth refuse — Whereupon he Says he is the worse and has Damage to the Value of One Thousand Pounds Sterling and thereof he brings this Suit &c. And he brings here into Court the writing aff. which Testifies the Debt aff. in form aff. whose Date is the Day & year aboveSaid &c.

Pledges &c. John Doe &c. Richard Roe

And the aff. Robert Gordon by Daniel Dulany his Attorney comes and Defends the force and Injury when &c. And Prays an hearing of the Writing Obligatory aff. And it is read unto him &c. He also prays an hearing of the Condition of the Same Writing And it is read unto him in those words viz. The Condition of this above Obligation is Such that if the above bound Thomas Cockey has this Day of this Date here of Delivered to Thomas Bordley Esq. four Bills of Exchange all of one Tenour &c. Dated the twenty Seventh Day of May Instant Anno Dom. Seventeen hundred & twenty four Drawn by Thomas Cockey upon Mr. Johathan Forward Merchant in London Payable to Thomas Bordley Esq. for the Sum of Seven hundred and twenty Pounds Sterling Now if the Said Bills or any of them be Duly Accepted and Paid according to the Tenour thereof then this obligation to be void and of none Effect. Or else to be in full force Power & Vertue — which being Heard and Heard the Said Robert Gordon by his Attorney aff. Prays Leave to Imparle hereunto until next Court and he hath it. The Same Day is given to the Plaintiff also —

At which said next Court to wit. This Nineteenth Day of October Anno Dom. Seventeen Hundred and twenty five Comes again as well the Said Thomas Bordley in his Proper person aff. as the Said Robert Gordon by his Attorney aff. And the Said Robert Gordon by his Said Attorney as before Defends the force and Injury when &c. and Saith that the said Thomas Bordley his Action aff. against him to have or Maintain Ought not because he Saith that One of the Bills of Exchange was duly Accepted and that the Sum of Seven hundred & twenty pounds Sterling therein Mentioned was Paid by Jonathan Forward in the Condition of the Same Writing Mentioned according to the Tenour of the Bills of Exchange aff. to wit at Ann Arundell County And this he is ready to Verify And therefore Prays Judgment if the said Thomas Bordley his Action aff. against him to have or Maintain Ought &c.

And the Said Thomas Bordley Saith that by Any thing Alledged from having his Action aff. he ought not to be barred because he Saith that the Said Thomas Cockey on the twenty Seventh Day of May Anno Dom. Seventeen hundred and twenty four at Ann Arundell County aff. Drawn and Delivered unto the Said Thomas Bordley four Bills of Exchange all of One Tenour and Dated the Same Twenty Seventh Day of May Anno Dom. Seventeen hundred & twenty four aff. Drawn by the Said Thomas Cockey upon Mr. Jonathan Forward Merchant in London Payable to the said Thomas Bordley for the Said Sum of Seven hundred and twenty Pounds Sterl. And that the said Jonathan Forward afterwards to wit. the twenty fifth Day of August Anno Dom. Seventeen Hundred and twenty four at London to wit at Ann Arundell County aff. was demanded

(by)

by William Hunt the Order of the Said Thomas Bordley for the use of the Said Thomas Bordley according to the Custom of Merchants to Pay the first of the Said Bills of Exchange the Second third & fourth of the Same Bills not being then or at any other time Paid Nevertheless the Said Jonathan Forward the Said first Bill or Any One of the Said Bills or the Sum of Seven hundred and twenty Pounds therein Mentioned hath not at any time Paid to the Said Thomas Bordley or unto his order according to the Tenour of the Bills of Exchange aff. nor otherwise And this he is ready to verify Wherefore he prays Judgment and his Debt aff. together with his Damages by Occasion of Detaining the Same Debt to him to be Adjudged &c.

And the Said Robert Gordon Saith that the Plea aff. of the said Thomas Bordley by Application above Pleaded And the Matter therein Contained are not Sufficient in Law to maintain the Action aff. or to Compel him the Said Robert Gordon to Answer or Rejoyn thereto And that he to that Plea hath no Need nor by the Law of the Land is held to Answer or Rejoyn And this he is Ready to Verify Wherefore for want of a Sufficient Application in this part the said Thomas as before prays Judgment that the Said Thomas Bordley from having or maintaining his Action aff. against him be Precluded —

And the aff. Thomas Bordley for that he hath Alledged above Sufficient Matter in Law in his Application aff. his Action aff. against him the Said Robert Gordon to have & maintain which he is ready to Verify which Matter the Said Robert Gordon hath not Gainsayed nor to the Same in any Wise Answered but the Same Verification to Admit doth altogether refuse the Said Thomas Bordley as before prays Judgment And his Debt aff. together with his Damages by Occasion of Detaining the Same Debt to him to be Adjudged &c.

Whereupon all & singular the Premises being by the Court here Soon heard and fully understood and mature Deliberation being thereupon had for that it Seems to the Court here that the Plea aff. by the said Thomas Bordley above by Application Pleaded And the Matter in the Same Contained are good & Sufficient in Law his Action aff. against him the Said Robert Gordon to have and Maintain —

Therefore it is Considered by the Justices here this 19th Day of October Anno Dom. 1725 that the Said Thomas Bordley Recover against the said Robert Gordon as well the Sum of Fourteen hundred & forty Pounds Ster. his Debt aff. as also the Sum of Seven hundred & Sixty nine Pounds of Tobo. by this Court here adjudged unto him for his Costs and Damages Sustained by Occasion of Detaining the Same Debt And the Defendant in Mercy &c.

Whereupon the Said Robert Gordon Prays an Appeal from the Judgment of this Court so aff. Rendered against him to the high Court of Appeals of this Province which is granted upon giving Security for the Due Prosecution thereof according to Law —

Whereupon afterwards in the Same Court or Term the said Robert Gordon together with Thomas Cockey, Mordecai Hammond Jr. Govans Patrick Sympson William Rogers & John Cockey Entered into the following Bond for the Due Prosecution of the Appeal aff. According to Law viz.

In any paid Sp.

Know all Men by these Presents that We Robert Gordon Thomas Cockey, Mordecai Hammond James Govans Patrick Sympson & William Rogers of Ann Arundell County & John Cockey of Baltimore County Gent are held and firmly bound unto Thomas Bordley Esq. in Two Thousand eight Hundred and Eighty Pounds Sterl. and three Thousand Pounds of Tobo. to be paid to the Said Thomas Bordley his Executors Admrs. assigns or Certain Attorney to the which Payment well & truly to be made we bind Our Selves Our & every of Our Heirs Exors & Admrs. Jointly and Severally firmly by these presents Sealed with Our Seals and Dated this two & twentieth Day of October Anno Dom. 1725 —

(The)