And the s.d Dw.d Oldham prayeth leave of Imparling thereto and he hath it &c

And afterwards the Same Dw.d Oldham Came personally into Court in the Same Term in his Proper Person And the s.d Thomas Reynolds being solemnly called comes not again but did Depart in Contempt of the Court and made Default.

Therefore it is Considered that the a.d Dw.d Oldham do recover his Seisin Against the s.d Nicholas Lowe of the Lands a.d with the Appurtenances And that the said Nicholas Lowe have of the Lands of the s.d Thomas Reynolds to the Value &c And the Same Rich.d Lowe in Mercy &c

And thereupon the s.d Dw.d Oldham prayeth a Writ of the Right Honble the Lord Prop.r that moves to the Sheriff of the County a.d Directed to Cause to be Delivered to him full Seisin of the Lands a.d with the Appurtenances and it is Granted unto him Returnable here on the third Tuesday in May Next &c

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Pl.ff Daniel Dulany Esq.r } Commandment Given to the Sheriff of Prince George's County
v.s } That he Should Take James Burton late of Prince George's
James Burton } County Merchant if he Should be found in his Bailywick

And him Should safe keep so that he might have his Body before his Lordships Justices of the Provincial Court to be held at Annapolis the third Tuesday in Oct.r Next to Answer unto Dan.l Dulany Esq.r Pl.ff of Trespass upon the Case &c

And that the s.d Sheriff he the s.d Sheriff Should not fail &c

Thereupon the s.d Dan.l Dulany Esq.r Declares against the s.d James Burton In the Plea a.d as follows (Viz.t) Maryland ss. James Burton late of Prince George's County Merchant was attached to Answer unto Dan.l Dulany Esq.r Pl.ff of Trespass upon the Case &c

And Thereupon the Same Dan.l in his Proper Person complains that Whereas the s.d James the fourth Day of July in the Year of our Lord Seventeen hundred & thirty five in the County a.d was Indebted to the s.d Dan.l in Sixty Six Pounds Sterling for the like Sum by the Same James to the use of the s.d Dan.l had and Received and being so thereof Indebted the s.d James in Consideration thereof the Day & Year a.d in the County a.d Upon himself Assumed & to the s.d Dan.l then & there Faithfully Promised that he the s.d James the s.d Sixty Six Pounds to the s.d Dan.l when thereunto Requested Would well & Truly Content and Pay Yet the s.d James his Promise & Assumption a.d not regarding but Minding & Fraudulently Intending him the s.d Dan.l in this Part Craftily & Subtilly to Deceive & Defraud the s.d James the Said Sixty Six Pounds or any Part thereof to the Same Dan.l hath not Paid or any Way Contented altho' so to do the Said James by the s.d Dan.l the Day & Year a.d at the County a.d was requested but the Same to him to Pay or any Way to Content hath refused & still Doth refuse Whereby the s.d Dan.l Saith that he is Damnified and hath Lost

(the)

The Value of One hundred & twenty Pounds Ster.g And therefore he brings this Suit &c

Pl.ff's Doc & Rec

1733
1733 Mr. James Burton Merch.t in London ..... Dr.
To the Net proceeds of 14 hhds of Tobacco Exceeding by the Account of Sales to the best of my Knowledge & Remembrance ..... 15. — ..
1734 To Ditto of 15 hhds by the Addison no Account of Sales yet recd Supposed According to his own Letter to produce in an Average £3.15. p.r hhd ..... 48. 15. —
68. 15. —

November 24. 1735.

Then did Dan.l Dulany make Oath on the Holy Evangelists that the Above Acc.t is to the best of his Knowledge just & true as above stated. that he has not recd any Part or Parcell of the Above Sum Nor Any Account of Sales of the Above thirteen hhds of Tobacco to his knowledge or belief & this Deponant further Deposeth & Saith that his receiver Acquainted him that the Tobacco by him Shipd & Mentioned in the last Article of the Above Account was Good Tobacco And this Deponant acknowledges that he Gave Mr. John Philpot Merch.t in London an Order for the Above money but doth not know or believe that he hath recd the Same.

Sworn to before B. Young

A Copy of Which Declaration was made & Sent with the Writ in the Plea a.d

At Which s.d third Tuesday of October being the 21st Day of the Same Month Anno Domini 1735 & the Day & Term of the s.d Writ Comes the s.d Dan.l Dulany Esq.r in his Proper Person & the Sheriff of Prince George's County to whom the Same Writ was Directed Likewise Comes & makes not the Oath to the Court here thus Indorsed Viz.t

N.E.I Copy left in time. — Rich.d Lee Sheriff

Thereupon the s.d Dan.l Dulany Prays that for as much as he hath Complyed with the Law in Order for an Attachment he may have Judgment Against the s.d James Burton for his Damages a.d his Costs & Charges by him about his Suit in this behalf Laid out & Expended by Way of Attachment according to Act of Assembly &c

Whereupon for that it Seems to the Court here that the s.d Dan.l Dulany hath Complyed with the Law as Alledged And he having made Sufficient Proof of his Damages to the Court here

Therefore it is Considered by the Justices here the Day & Year last Mentioned that the s.d Dan.l Dulany Esq.r Recover against the s.d James Burton as well the Sum of Sixty three Pounds & Fifteen Shillings Sterling his Damages a.d as the Sum of Pounds of Tobacco by the Court here on his Apeal unto him Adjudged for his Costs & Charges by him about his Suit in this behalf Laid out & Expended by Way of Attachment Against the Goods Chattles Rights & Credits of the s.d James Burton According to the Directions of the Act of Assembly in Such Case made & Provided.