Know all men by those Presents that we Thomas Emerson & Ephraim, Ephraim Emerson of Kent County upon Delaware Jointly & severally are held and firmly Bound unto Henry Callister of Talbot County in Maryland Merchant in the Sum of One hundred Pounds of Good & lawfull Money of Maryland to be paid to the said Henry Callister his Heirs Executors Administrators or Assigns To the which Payment well and truly to be made We Bind ourselves our Heirs Executors Administrators & Assigns firmly by those Presents, Sealed with our seals and Dated this 19th day of Novemb.r One Thousand Seven hundred and forty eight

The Condition of the above Obligation is such that if the above Bound do for themselves their Heirs Executors & Administrators shall fully absolutely and clearly Bargain Sell Assign set over Convey and Confirm unto the above mentioned Henry Callister his Heirs Executors Administrators & Assigns for ever One certain Tract of Land lying on the South East side of Wye River in Talbot County commonly called and known by the Name of Long Point containing about fifty Acres be therein the same more or less, and do Warrant and Defend the same to the said Henry Callister his Heirs Executors Administrators and Assigns against all Persons whatsoever laying having or pretending any Claim to the same when they shall be thereto required then the above Obligation to be Void else to remain in full force and Virtue

Which being read and heard the said Ephraim Emerson by his said Attorney prays leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 10th day of April Anno Dom. 1750. Come again the said Parties Plaintiff and Defendant by their Attorneys afsd and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it & the same day is given to the Plaintiff also

At which said next Court to wit the 10th day of Sept. Anno Dom. 1750. Come again the said parties Plaintiff and Defendant by their Attorneys afsd and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it & the same day is given to the Plaintiff also

At which said next Court to wit the 9th day of April Anno Dom. 1751. Come again the said parties Plaintiff and Defendant by their Attorneys afsd and the said Defendant by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 10th day of Sept. Anno Dom. 1751. Come again as well the said Henry Callister by his Attorney afsd ~~as the afsd Ephraim Emerson~~ by his Attorney afsd and the said Ephraim Emerson by his said Attorney as before defend the Force and Injury when &c. And saith that the afsd Henry his Action afsd thereof against him to have and maintain ought not because he saith that the afsd Henry did not at any time before the Suing of the Original Writ of him the said Henry in the Plea afsd against him the said Ephraim require him the said Ephraim to Convey Assign make over and Confirm unto the afsd Henry his Heirs and Assigns the aforesaid Tract of Land called Long Point in the Condition afsd mentioned and this he is ready to Verify wherefore he prays Judgment if the afsd Henry his Action afsd thereof against him to have & maintain ought

And the said Ephraim Emerson by his said Attorney prays that the afsd Henry Callister to his Plea afsd may Reply But the said Henry Callister altho' solemnly called comes not but makes default nor does he further Prosecute his Writ against the afsd Ephraim Emerson in the Plea afsd

Therefore

Therefore it is Considered by the Justices here that the said Henry Callister take nothing by his Writ afsd but that he and his Pledges of Prosecuting to wit John Doe and Richard Roe be in Mercy &c. and that the said Ephraim Emerson go thereof without Day &c. And it is also Considered that the said Ephraim Emerson recover against the said Henry Callister the Sum of

592 lb 5 Pounds of Tobacco by the Court here unto him on his Agreement Adjudged for his Costs and Charges by him about his defence in this behalf laid out and expended and that he have thereof his Execution &c.

Test. R. Burgess Clk

Wc. Wd. The Lord Propry. a/c William Thornton } Command was given to the Sheriff of Annarundell County that he should take William Thornton late of Annarundell County Gentleman otherwise called William Thornton of Annarundell County in the Province aforesaid if he should be found in his Bailiwick and him safe keep so that he might have his Body before the Justices of his Lordships Provincial Court to be held at Annapolis the third Tuesday of October then next to answer unto his said Lordship of a Plea that he render unto him Two hundred Thousand Pounds of good sound Merchantable leaf Tobacco and Cask which to him he oweth and unjustly detaineth &c. and that thereof he the said Sheriff should not fail &c.

And thereupon Henry Darnall Esq. Attorney General of the said Lord Propry. who for the said Lord Propry. in this behalf followeth Declares against the afsd William Thornton in the Plea afsd as follows Viz.t

Maryland ss. William Thornton late of Annarundell County Gentleman otherwise called William Thornton of Annarundell County in the Province aforesaid was Summoned to Answer unto the Right Honourable Charles Lord Baron of Baltimore of a Plea that he render unto him two hundred Thousand Pounds of good Sound Merchantable leaf Tobacco and Cask which to him he oweth and unjustly detaineth &c.

And Whereupon Henry Darnall Esq. his Lordships Attorney General of the Province aforesaid who for the said Lord Proprietary in this behalf Prosecuteth saith that Whereas the afsd William Thornton on the Nineteenth day of December in the Year of our Lord One Thousand Seven hundred forty and five at Annarundel County afsd by his certain Writing Obligatory acknowledged himself to be held and firmly Bound unto the said Lord Proprietary in the afsd Sum of Two hundred Thousand Pounds of Good Sound Merchantable leaf Tobacco and Cask to be paid to the said Lord Proprietary when thereto he should be required Nevertheless the afsd William Thornton altho' often required the afsd Two hundred Thousand Pounds of good Sound Merchantable leaf Tobacco and Cask to the same Lord Proprietary hath not paid but the same to him hitherto to pay hath Denyed and Gainsayed and still doth deny and Gainsay wherefore he says he is the worse and has Loss to the Value of three hundred Thousand Pounds of Tobacco and this for the said Lord Propry. the said Attorney General is ready to Verify and the said Attorney General brings here into Court the Writing afsd which Testifies the Debt afsd in form afsd whose Date is the Day & Year above said &c.

Pledges pro. John Doe & Ro. Roe

A Copy of which aforegoing Declaration was made and sent with the Writ in the Plea aforesaid

At which said third Tuesday of October to wit the 17th day of the same Month Anno Dom. 1751. being the day of the return of the aforegoing Writ comes the said Henry Darnall Esq. Attorney General of the said Lord Propry. who &c. and the Sheriff of Annarundel County to whom the same Writ was directed likewise comes and makes return thereof to the Court here thus Endorsed (Viz.t) Cepi Copy served in time &c. Jno. Gassaway Sheriff

And