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Tobacco due from and as afsd Tendered by the said William to the afsd Vestry whether the same was Clean Sound and Merchantable and to make report thereof to him the said John Howard or some other Magistrate of the said County and the afsd William further saith that afterwards and before the Impetration of the Original Writ of the said Lord Propry. in this Cause to wit on the twenty sixth day of May in the Year last afsd at the County afsd they the said Thomas Wright and Aaron Hawkins did View Search and Examine the Tobacco due from and as afsd Tendered by the afsd William to the said Vestry and upon the View Search and Examination afsd the said Tobacco being by the said Thomas & Aaron found Clean Sound and Merchantable and fit to be paid in discharge of the afsd Debt of five hundred and ten Pounds of Tobacco so as afores.d due from the said William Thornton to the said Vestry they the said Thomas & Aaron did then and there mark the Quantity of two hundred and ten Pounds Nett of Tobacco in One Hogshead for the said Vestry upon the head and Bulge and did also then and there Weigh the same and the Nett Weight thereof did Signify unto the afsd John Howard and of the Premises did then and there make Report to the said John Howard according to the form of the Acts of Assembly in such Cases made and Provided And this the said William is ready to Verify and so forth Wherefore the said William prays Judgment if the said Lord Propry. his Action afsd therefore against him the said William to have or maintain ought &c.

And the afsd Attorney General of the same Lord Propry. saith that the Plea afsd by the afsd William in manner and form afsd above in his Rejoinder Pleaded and the matter in the same contained are no ways sufficient in Law to Preclude the same Lord Propry. from having his Action afsd thereof against him the said William to which said Plea he hath no nees nor by the Law of the Land is in any wise held to Answer and this the said Attorney General on behalf of the said Lord Propry. is ready to Verify wherefore for want of a sufficient Ans.r in this behalf the same Attorney General on behalf of the said Lord Propry. prays Judgment for the Debt afsd and the Damages Sustained by Occasion of detaining the same Debt to the said Lord Propry. to be Adjudged &c.

And the afsd William saith that the Plea afsd by him the said William in manner and form afsd above in his Rejoinder Pleaded and the matter in the same contained are good and sufficient in law to Preclude the same Lord Propry. from having his Action afsd thereof against him the said William which said Plea and the matter in the same contained he the said William is ready to Verify &c. And because the same Attorney General hath not Answered to that Rejoinder nor the same hitherto hath any way denied the same William as before prays Judgmt. and that the same Lord Propry. may be Precluded from having his Action afsd ~~thereupon~~ against him the said William

Whereupon all and singular the Premises being by the Court here seen heard fully understood and mature deliberation thereupon had for that it seems to the Court here That the Plea afsd by the afsd by the afsd Attorney General on behalf of the said Lord Propry. in manner and form afsd above in his Replication Pleaded and the matter in the same contained are no ways Sufficient in Law for the said Lord Propry. to have or maintain his Action aforesaid thereupon against him the said William

(Therefore)

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Therefore it is Considered by the Justices here that the said Lord Propry. take nothing by his Writ afsd But that the said William Thornton go thereof without day &c. And it is also Considered that the said William Thornton recover against the Vestry of Westminster Parish in Annarundell County (at whose request this Suit was brought) the Sum of

666 3/5. Pounds of Tobacco by the Court here unto him on his afsd 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.

Mond. Cost Gordon withdrawn from the Bench on the argument thereof

Test. R. Burgess Clk

W. H. The Lord Propry.
v.
W. H. Daniel Dulany Esq.

Maryland ss. The Honourable Daniel Dulany late of the City of Annapolis Esquire otherwise called Daniel Dulany 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 & Cash which to him he oweth and unjustly detaineth

And Whereupon Henry Darnall Esquire Attorney General of the said Lord Proprietary who for the said Lord Propry. in this behalf followeth saith that Whereas the said Daniel Dulany on the Nineteenth day of December in the Year of our Lord Seventeen hundred and forty five at Annarundel County afsd by his certain Writing Obligatory Acknowledged himself to be held and firmly Bound unto the said Lord Propry. in the full Sum and just Quantity of Two hundred Thousand Pounds of good Sound Merchantable Leaf Tobacco and Cash to be paid to the said Lord Propry. when afterwards he should be thereunto required Nevertheless the afsd Daniel Dulany altho' often required the afsd full Sum & Just Quantity of Two Hundred Thousand Pounds of good Sound Merchantable Leaf Tobacco and Cash afsd or any part thereof to the said Lord Propry. hath not rendered but the same to the said Lord Propry. to render hath refused and still doth refuse to the Damage of the said Lord Propry. Two Hundred Thousand Pounds of good Sound Merchantable Leaf Tobacco and Cash afsd and thereof he brings the Suit &c. And the said Attorney General of the said Lord Propry. brings hereunto Court the Writing Obligatory afsd Sealed with the Seal of the said Daniel Dulany which the Debt afsd in form afsd Witnesseth the Date of which is the day and Year aforesaid

Pledges &c. { John Doe, Richd. Roe }

And the said Daniel Dulany by Stephen Bordley his Attorney comes and defends the Force and Injury when &c. and prays a hearing of the Original Writ of him the said Lord Propry. against him the said Daniel Impetrated and it is read unto him in these Words following to wit

Maryland ss. Charles Absolute Lord & Propry. of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Annarundel County Greeting We command you that you take The Honourable Daniel Dulany late of the City of Annapolis Esquire otherwise called Daniel Dulany of Annarundell County in the Province aforesaid if he shall be found in your Bailiwick and him safe keep so that you have his Body before the Justices of our Provincial Court to be held at Annapolis the third Tuesday of October next to answer unto us of a Plea that he render unto us two Hundred Thousand Pounds of good sound Merchantable Leaf Tobacco and Cash which to us he oweth and unjustly detaineth &c. Hereof fail not at your Peril and have you then and there this Writ Witness Benjamin Young Esquire Chief Justice of our Provincial Court the 27th day of May in the 35th Year of our Dominion &c. Annoq. Dom. 1751

He Prays also a hearing of the Writing Obligatory afsd and it is read unto him he likewise prays an hearing of the Condition of the same Writing and it is read unto him in

(thefe)