Consigned to Mr George Buchanan Merch.t in Glasgow & this Deponent believes Mr Magruder took a Memorandum of Mr Machalls Joseph Hance, John Beckett and others Tobacco's And this Deponent saith he never saw Mr Magruder nor had any Conversation with him from the time of Engaging Mr Machalls Tobacco untill the Ship was Loaded and sailed, but understood She had taken in Twenty odd Hogsheads after Mr Machalls Tobacco was taken on Board and further saith not

Judson Coldidge

The above Deposition taken before me this 10th Day of September 1765 Wm Stewart

And also Contended that the matters & Evidence in Evidence were sufficient Evidence to prove that the said Defendant was Consignee of the Ship as alledged in the declaration &c, It was also provided in Evidence in the said Cause that the Pltff said he had Instructions from Capt Ettrington (part owner of the said Ship) on his arrival in Maryland in the absence of James Wardrop the other part Owner of the said Ship to apply to George Maxwell and Edmond Beanes which Geo: Maxwell refused to have any thing to do with the said Vessell, That on the arrival of the said Ship in Maryland Alex.r Symmer & others of the friends of James Wardrop Counselled together what to do with the said Ship in James Wardrops absence and that the said Symmer wrote to Wardrop at New York for directions touching the management of the Ship afterwards wrote a letter to the said Symmer in Ans. thereto desiring he would send her round to New York for that he had Chartered her and inclosed a Copy thereof which Letter was recd after the advertizing of the Vessell for freight and there being a Condition by which the Charter Party was to come into if the Vessell was taken up here the Lading of her w.th Tob. went on as if no directions had been given by the P. Wardrop, It also appeared that another of Mr Wardrops friends set up some of the Advertisem.ts and that many of them advised the steps that were taken concerning the P. Vessell and some of them solicited her Loading. It did not appear that the Defend.t or any one else was impowered by any Person who could give that Authority to act as Consignee of the P. Ship, upon which Evidence so given the Defend.t by his Counsel objected and prayed the Opinion of the Court that the Evidence so given was Variant from and did not support the Second Count as laid in the Declaration and that the Plaintiff therefore had failed in & could not support his Action thereby, And of which Opinion was the Court Who accordingly declared the same Opinion and the Pltff not producing any other evidence to support the 2d Count, they would not suffer the Plaintiff further to proceed in support of the said Second Count upon the Evidence so offered, To which Opinion of the Court the Pltff excepts and prays the Justices to affix their seals hereto according to the Statute and &c forth

Jno Brice (Seal)

Whereupon the Plaintiff by his Attorney aforesaid prays an appeal from the Judgment aforesaid so as aforesaid rendered to this Lordships High Court of Appeals

Appeals and the same is granted upon giving security according to Act of Assembly Whereupon the Plaintiff by his said Attorney files in Court the following Bond to wit

Maryland ss, Know all men by these presents that We John Barnes and James John Machall of Calvert County in the Province aforesaid are held and firmly Bound unto John Read Magruder in the full and Just Quantity of Eight thousand pounds of Tobacco of Tobacco to be paid to him the said John Read Magruder his Certain Attorney Executors administrators or assigns, To the which Payment well and truly to be made and done we bind ourselves our heirs and each of us, our and each of Our Heirs Executors and administrators jointly and severally firmly by these presents sealed with our Seals and dated this Eleventh day of September Anno Domini Seventeen hundred and Sixty five

Whereas the said John Barnes hath prayed an appeal from the Provincial Court of this Province to the High Court of Appeals in an Action of Trespass upon the Case brought by the Pltff named John Barnes against him the said John Read Magruder and now depending which was granted him on giving Security, Now The Condition of the above Obligation is such that if the above bound John Barnes do and shall prosecute the said appeal with Effect and pay and satisfy to the said John Read Magruder such his Damages and Costs in the above suit as all Cost damages and Charges that shall accrue in the said Court of Appeals unless the said Court of Appeals shall decree to the Contrary and shall in all things abide such order and decree as the said Court of Appeals shall make in the premises then the above Obligation to be void and of none Effect else to be and remain in full force and Virtue in law

Signed Sealed and delivered in the presence of Edm.d Key

John Barnes (Seal)
Jas Jno Machall (Seal)

It is Thereupon ordered that the Record and proceedings aforesaid be transmitted to the High Court of Appeals accordingly

Test Severdy Ghiselin Clk

The Richard Wathins against William Denune } Command was given to the Sheriff of Prince Georges County that he should take William Denune late of Prince Georges County planter Otherwise called William Denune of Prince Georges County if he should be found in his Bailiwick and him safe keep so that he might have his Body before the Justices of this Lordships Provincial Court to be held at Annapolis the second Tuesday of September then next to answer unto Richard Wathins of a plea that he render unto him the sum of Two hundred and three pounds Lawfull money which to him he owes and unjustly detains & &c forth and that thereof he the said Sheriff never not to fail &c

And the said Richard Wathins declared against the said William Denune in the plea aforesaid as follows to wit,

Prince Georges County to wit, William Denune late of Prince Georges County Planter,