afs the said Cause standing for Tryal Came the said pltff by Michael Earle his attorney and the said Deft by Christopher Philipson his attorney and the said pltff by his afd attorney Declare Vizt Kent County in Maryland ss Thomas Bockler of said County Gent otherwise called Thomas Bockler of the same County Gent was summoned to answer unto John Hawkins Junr of a plea that he render unto him ye said pltff the first June of nine hundred thirty two pounds of good sound Merchantable Tobacco in cases &c: to him the owoth and from him unjustly detains — And Whereupon the said pltff by Michael Earle his attorney saith that whereas the said Deft on ye eighth day of March Anno Domi 1704 in ye afd County at their the Jurisdiction of this Court by his certaine bill or Writeing obligatory sealed with his Seale as his Act & Deed delivered here in Court Bought & whose date is the same day & year did bind himself his heirs ex & admrs to pay or cause to be paid unto the afd pltff his heirs exors admrs or assigns the said Sume of 932 ℔ of Tobacco qualified as afs Convement in Kent County afs notwithstanding the said Deft the afd Sume of 932 ℔ of Tobacco according to ye tenour & the same bill unto the said pltff he hath not paid although often Demanded but the same to pay he hath denyed & refused & still doth deny & refuse & unjustly detains to the damage of the pltff 1800 ℔ of Tobacco & therupon he brings his Suite &c Earle ffor ye Pledges &c Vi Doe Rd Roe And pray that the Deft to this Deed may Answer.

AND ye afd Thomas by Chris Philipson his attorney Comes & defends the Force & Injury when &c And prays Judgment of the Deed afs Because he saith that there is a material variance between the alegations in the Declaration And the words of the Specialty wch should warrant ye Same and this he is ready to Verify Wherefore he prays Judgment as abovesd &c Philipson pro Deft

AND the said pltff by his afd attorney for Replication Saith that he ought not to bard from his action afd for that there is no Material variance between the allegations in the pltffs Deed and the Specialty upon wch ye Sume is grounded all wch he is ready to av And of this he puts himself upon the Court &c Earle ffor Pltff

AND the Deft as before Saith there is a variance &c in like manner Joyne upon the Court Philipson pro Deft

But the afd Thomas Bockler afterwards in his proper person comes into Court & Saith that he cannot gainsay ye action afd of him the said John Hawkins Junr nor but that the writeing obligatory above mentioned is his Act & Deed & that he owoth to the said John Hawkins the afd Sume of nine hundred thirty two pounds of Tobacco and one halfe pound of Tobacco And confesseth the Judgment for the Same so that execution of the Same be stayed untill the tenth day of November next to ye intent the said pltff consent &c. THEREFORE IT IS CONSIDERED by the Court here Vizt this Twenty Sixth day of August Anno Domi 1708 that the said John Hawkins Junr Do Recover against the aforesaid Thomas Bockler the aforesaid Sume of nine hundred thirty two pounds of Tobacco and one

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