

March Court 1716

render to him Nineteen hundred seventy & three pounds of Merchant-  
 able Tobacco of the value of Four pounds Sterling money which he  
 unjustly detains & And whereas the aforesaid by Thomas Bourne  
 his atty Sachts that whereas the aforesaid the seventeenth day of May  
 Anno Domini one Thousand seven hundred and sixteen at St. Pauls  
 parish in Kent County aforesaid in y<sup>e</sup> jurisdiction of this Court by his Certain  
 writing obligatory which the said Deft Sealed with his Seale and  
 as his deed delivered hereto Court brought the date whereof is the  
 same day and year aforesaid granted himself holden and firmly bounden  
 to the aforesaid by y<sup>e</sup> name of Gilbert Higginson Merchant in Great  
 Brittain in the aforesaid sum of Nineteen hundred seventy & three pounds  
 of Tobacco qualified as aforesaid of the aforesaid value of Four pounds Sterling  
 money to be paid to the said ptt when therunto required with  
 not paid nor made any Content for the same but that to pay or  
 Content the said Deft hath hitherto denyed and yet denyes and  
 unjustly detains to the damage of the said ptt Three Thousand  
 pounds of Tobacco and thereupon he brings Suite vs. Thomas  
 Bourne ptt vs. John Doe & Quind Roe

and the said Deft being called came and the said ptt  
 by his atty aforesaid prays that the said Deft may give Special  
 Baile to the aforesaid Auction which is granted and that he be kept  
 in safe Custody by the Sheriff of said County until he shall give  
 Special Baile as aforesaid after which John Williams of said County  
 here in Court cometh and acknowledgeth himself as Special Baile  
 in the aforesaid Auction and doth undertake for the aforesaid Deft the  
 payment of the Debt aforesaid and all charges accruing if in  
 case the said ptt shall obtaine Judgment against the said Deft  
 in the said Auction of Debt and the Condemnation aforesaid shall not  
 satisfy nor himselfe to the Custody of the Sheriff of said County  
 deliver or that the aforesaid John Williams the body of the said  
 Deft shall not under lye.

Att which said Court came the said Deft in his proper  
 person and appeared to the above Auction and saith that he  
 cannot give away the Auction aforesaid of him the said ptt nor but  
 that the writing obligatory above mentioned is his act and  
 deed and that he oweth unto the said ptt as above mentioned