

August Court 1720

551

B. Gilbert Falconer } This being an action of Debt for the Summ of three
 Daniel Whaley } Thousand four hundred pounds of Tobacco Common-
 in the Sheriff of Said County to whom the Court in
 said action was directed make Return to the Court here on the Third Tuesday
 in August vizt the sixteenth day of ^{the} month anno Dom 1720 being the day of
 Return of Said writ Endorst Capi Corpus of Gibson Pearce Sheriff.

Kent County in Maryland. Daniel Whaley of Kent County Planter
 doth Daniel Whaley of Kent County in the province of Maryland planter was
 attached to answer unto Gilbert Falconer of a plea that he render him the Summ of
 three thousand four hundred pounds of good sound merchantable Tobacco Clear
 of all Trash and ground Leaves in Cask to Contain the Same of the value of thirty
 four pounds Sterling money which he unjustly Delays &c. And whereupon
 the as. p^l by Thomas Bowne his Attorney saith that whereas the as. D^t the
 Twelfth day of August in the Year of our Lord Christ one thousand Seven hun-
 dred and Eighteen at S. Pauls parish in Kent County within the Jurisdiction
 of this Court by his Certain Bill Obligatory which he the said D^t sealed with
 his Seal and as his deed Delivered hereinto Court brought the date whereof
 is the same day and Year a^s. bound and obliged himself in the a^s. Summ of
 three thousand and four hundred pounds of good sound merchantable Tobacco
 Clear of all Trash and ground Leaves of the a^s. value of thirty four pounds Sterling
 money a^s. for the true payment of of the full and just Summ of Seventeen hun-
 dred pounds of good sound merchantable Tobacco Clear of all Trash and ground
 Leaves with Cask to Contain the Same to the said p^l. convenient in the said County
 at or upon the tenth day of November next Ensuing the date of the said Bill Ob-
 ligatory and the as. p^l indeed saith that the as. p^l the a^s. Summ of Seventeen hun-
 dred pounds of Tobacco at or upon the a^s. tenth day of November to the as. p^l
 hath not paid which he ought to have Done according to the form and Effect of
 the said Bill by which action hath accrued to the said p^l to exact and have of the
 a^s. D^t the a^s. D^t the a^s. Summ of three thousand four hundred pounds
 of Tobacco qualified as abovesaid. Yet the as. D^t at the often required the
 a^s. Summ of three thousand four hundred pounds of merchantable Tobacco to the as.
 p^l hath not paid. But that to him to render or pay he the said D^t hitherto hath
 denied and still doth Deny and unjustly Delaine to the Damage of the said
 p^l five pounds of the money a^s. and there upon he brings Suit &c.

Bowne p^l D^t p^l Th^o J^r.
 &c. p^l

Whereupon at the prayer of the p^l by his atty a^s. the D^t is adjudged to Give
 Special Bail to the action a^s. and that he the Sheriff of Said County keep the said D^t
 in safe Custody until he shall give. &c. &c.
 Thereupon