

August Court 1720.

Whereupon Mr Simon Wilmer and John Clark both of Kent County present here in Court Under take Jopally and severally for the said Daniel Whaley that in Case the said Gilbert Falconer shall Recover Judgement in the plea a<sup>d</sup> against the said Daniel Whaley, or that he the said Daniel Whaley shall be therein Convict that then he the said Daniel Whaley shall pay the Court thereupon or render his body to the Custody of the Sheriff of Kent County in Satisfaction thereof or that they the said Mr Simon Wilmer and John Clark or one of them will do it for him.

And the a<sup>d</sup> Def. in his proper person Comes and Defends the force and Injury a<sup>d</sup> End. Saith that he cannot Gainsay the a<sup>d</sup> p<sup>t</sup> his action so as against him or Nor Can he say. But that the said p<sup>t</sup> ought to recover his Debt by occasion of the monies a<sup>d</sup> to the Summ Three thousand four hundred pounds of Tobacco with Cost of Suit against him which the said p<sup>t</sup> doth not Gainsay.

Therefore it is Considered by the Court here this 17<sup>th</sup> day of August anno Dom 1720 that the said Gilbert Falconer Recover against the said Daniel Whaley as well the Sum of Three thousand four hundred pounds of Tobacco his debt a<sup>d</sup> in form a<sup>d</sup> Confessed as also the Sum of Two hundred and fifty Nine pounds of Tobacco by the Court here adjudged to him for his Costs and Charges by him about his suit in this behalf laid out and expended and the Def. in mercy &c.

Gilbert Falconer

Daniel Whaley

This being an action of Debt for the Summ of five thousand two hundred and Sixty four pounds of Tobacco Comenced by the said p<sup>t</sup> against the a<sup>d</sup> and wherein the Sher. of said County to whom the writ in the said action was directed makes Return to the Court here on the third Tuesday in August viz. the 16<sup>th</sup> day of the said month being the day of Return of said writ Endorsed Cui Corpus p<sup>t</sup> Geo<sup>r</sup> Pearce Sheriff.

Kent County Maryland s. Daniell Whalley of Kent County Planter doth say that Daniell 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 sume of five thousand two hundred and sixty four pounds of good sound merchantable Tobacco clear of all trash and ground Leaves in Cask to Containe the same of the Value of fifty pounds Sterling money which he Unjustly detaines &c. And whereupon the a<sup>d</sup> p<sup>t</sup> by Thomas Browne his Attorney saith that whereas the a<sup>d</sup> Def. the twel<sup>th</sup> day of August in the Year of our Lord Christ one thousand Seven hundred and Eighteen at St Pauls parish in Kent County within the Jurisdiction of this Court by his Certain Bill Obligatory which he the said Def. Sealed with his Seal and as his Deed Delivered here into Court brought the date where of is the same day and Year a<sup>d</sup> Bound and Oblidged himself to pay to