

March Court -- 1723 --- 168

All which said next Court to wit the seventeenth day of march anno Domini One thousand seven hundred and twenty three came againe as w<sup>th</sup> the said D<sup>o</sup>ft as the said D<sup>o</sup>ft by their attorney & the said D<sup>o</sup>ft by his said attorney as be fore defend, the free and Injury when e<sup>d</sup> and saith that he doth not gain say but that he was Indebted unto the said Robert the Sum mentioned in the declaration & but further saith that the said Robert Never did demand the Same according to the form of an act of assembly of this province now in force in such Cases made and provided and thus he is Ready to verify and therefore pray Judgment whether the said Robert his action & against him to have Right Dashed off And the said Robert saith that he the said Robert on the first day of December anno Domini One thousand Seven hundred & twenty and often afterwards at Steuay Parish in Somerset County & within the Jurisdiction of this Court did demand of the said Richard Kellum the said four hundred and sixty pounds of tobacco as the said Robert above in his declaration hath alleged and this he pray may be Enquired of by the Country & of Allen & D<sup>o</sup>ft & the D<sup>o</sup>ft in like manner Dashed off & D<sup>o</sup>ft

Whereupon the said Richard Kellum by his attorney Pleinquiteth his verification & by him about pleaded and says that he cannot gain say the D<sup>o</sup>ft his action & so as & against him brought nor can he say but that the said D<sup>o</sup>ft ought to Recover his damages by Occasion of the premises & to four hundred and sixty pounds of tobacco which the said D<sup>o</sup>ft does not gain say e<sup>d</sup>

Therefore it is considered by the Justices here the seventeenth day of march anno Domini One thousand Seven hundred and twenty three & that the said Robert Martin Recover against the said Richard Kellum as w<sup>th</sup> the Sum of four hundred & sixty pounds of tobacco his damages & in full of his costs & charges (347) also the Sum of Three hundred & forty seven pounds of tobacco by the Court here adjudged unto him for his Costs and Charges by him about his Suite in this behalf said out & expended & of D<sup>o</sup>ft in money e<sup>d</sup> Whereupon the said D<sup>o</sup>ft grants here in Court Remitteth the said D<sup>o</sup>ft from the above Costs of Suite and that the same D<sup>o</sup>ft of the same Costs of Suite be quiet e<sup>d</sup>

Robert Martin

ag<sup>t</sup>  
J<sup>o</sup> Catharine Daley Gar  
of Anthony More

memorandum the D<sup>o</sup>ft by his attorney sued out his Lordships writt ag<sup>t</sup> the D<sup>o</sup>ft the Honour whereof follows in these words viz Somerset County sh<sup>o</sup> Charles absolute Lord and Proprietary of the province of Maryland and Avalon Lord Baron of

Waltmore e<sup>d</sup>. To the Sheriff of Somerset County greeting We command you that of the goods of Anthony More of Country parish in the County of Somerset sh<sup>o</sup> if they shall be found in your Bailly worth to the value of twelve hundred pounds of tobacco and when you have the same so attached or any part thereof the same in your Custody safe Keep so that you have the same before the Justices of our County Court to be held at dividing Creek in Somerset County & the third Tuesday of June next then and then to be condemned according to act of assembly to and for the use of Robert Martin in behalf the said Anthony More by him self or his attorney shall appear and answer unto the said Robert Martin in answer of his paper upon this & according to Law and that by good and Lawfull men of your Bailly which you make known unto the person or persons in whose hands you make (the)