

June Court 1729

196

of tobacco by the Duties and in form as aforesaid as also Two hundred & Ninety One
pounds of tobacco for his Gifts and Charges to the same Wm. Hodgkins at his request by the Court here
adjudged and the said debt in money &c -

James Shirley } Somerset County p.
vs John Magan - }
: master ad. Dix. John Magan of said County Court. was summoned to answer
to answer unto James Shirley of a plea that he tender unto him four pounds ten shillings which
to him he owes and unjustly detains &c -

AND whereupon the said James by Lewis Gale his attorney saith that whereas the said
John the Eighth day of December and Dow Dow Thomas seven hundred and twenty Eight at Somerset
County and within the Jurisdiction of this Court by his certain bill Obligatory which the said James
with the seal of the said Jud. Signed hereunto at Brings of Date Whereof is the same Day year
Did bind himself his heirs &c. ad. to pay or cause to be paid unto of said James of a
four pounds ten shillings. Yett of aforesaid Jud. the said four pounds ten shillings to of said
James, the of ten by the said James thereunto required hath not paid but the same to
him litten to, to pay hath refused & still doth refuse & deny to of said
James of Nine pounds Curr. Money of Maryland & thereupon he brings suite &c -
Lewis Gale of said County pledges &c. W. Doe R. Roe

And the aforesaid John Magan in his own proper person comes & defends of force
Injury when &c. And prays leave to answer hereunto until the Next Court he
hath it & the same Day is given to the aforesaid & left here also

At which said Next Court to witt the seventeenth day of June and Dow. One thousand
seven hundred and twenty Nine came again as wote the aforesaid James Shirley by his attorney &c at the
aforesaid John Magan in his own proper person, and the said John Magan as before defends the
force and Injury when &c. and saith that he cannot gainsay the action &c of the aforesaid James, nor
but that the writing & Bill of Obligatory &c is his deed, nor but that he owes the same James
the aforesaid four pounds ten shillings in manner and form as the aforesaid James, ^{above} against him declared
wherefore the said James prays Judgment for his debt &c and his ~~restored~~ Damages sustained
by Quascon of the detaining of the same debt to him to be adjudged &c.

Therefore it is Considered that the aforesaid James Shirley Recover against the aforesaid
John Magan his debt aforesaid and his Damages sustained by Quascon of the detaining
of the same debt to Two hundred & fifty three - - - pounds of tobacco to the same
James by the Court here of his aforesaid adjudged with stay of Execution till the tenth ^{day} of November
Next and of aforesaid debt in money &c

James Kayman - } Somerset p.
Commissioner and } of Maryland and avolon Lord Baron of Baltimore &c to George Dashiell
Affidavits Recorded. John Leatherbury Thomas Hill and Henry Ballard of Somerset
County Court greeting Know ye that we have appointed you or any three or two of you