

value of Three Thousand Fower Hundred Nynety Seaven poundes of Tobaccoe As by a Bill of Perticulars heere in Co<sup>rt</sup> by the said John Produced doeth appeare, The said Mathias in Considera<sup>o</sup>n thereof did Assume upon himselfe, & to the said John did faithfully p<sup>m</sup>ise, That he the said Mathias The said Three Thousand Fower Hundred Nynety Seaven poundes of Tobaccoe to him the said John would well & Truely Satisfye & pay when thereunto requiered, Notwithstandinge which the said Mathias his promise & Assump<sup>o</sup>n to him the said John soe made as aforesaid Little Regardinge, Butt Devisinge & fraudulently intendinge him the said John of the same to deceive & defraud, The same unto the said John though thereunto requiered hath not paide Butt doeth Altogether refuse to pay the Same, whereuppon the said John Saith he is Dampnified & hath Losse to the value of Five Thousand pounds of Tobaccoe, And thereuppon he bringeth his Suite &c.

Liber JJ

And whereuppon the said Mathias De Costa by Kenelm Cheseldyne his Attorney doeth Come & Defende the force & Injury when &c, And sayeth he did not Assume in manner & forme as the said John Tully above hath Declared, And of this he putts himselfe upon the Country, And the said John likewise.

Afterwards to witt the Fowerteenth day of this Instant December att the same Co<sup>rt</sup> before Charles Calvert Esq<sup>r</sup> Cheife Justice & other his Associate Justices att o<sup>r</sup> said Provinciaall Co<sup>rt</sup> att S<sup>t</sup> Maries Came the above named John Tully Sen<sup>r</sup> by Daniell Jenifer his Attorney & the Juro<sup>rs</sup> Sworne beinge ready to give upp their verdict Butt th<sup>e</sup> said Kenelm Cheseldyne not appearinge for the said Mathias De Costa It was therefore Granted by the Co<sup>rt</sup> heere That the said John Tully Sen<sup>r</sup> shall recover ag<sup>t</sup> the said Mathias De Costa the said Su<sup>m</sup>e of Three Thousand Fower Hundred & Nynety seaven poundes of Tobaccoe beinge soe much Adjudged him for his said Debt by the Justices heere, And the said Mathias in mercy &c.

[p. 113]

John Tully Sen<sup>r</sup> Pl<sup>t</sup> ag<sup>t</sup> } Co<sup>m</sup>and was then given to the Sherriffe of  
 Mathias De Costa } S<sup>t</sup> Maries County That of the Goods &  
 Chattles of Mathias De Costa within yo<sup>r</sup> Balliwicke you Cause to be  
 made the Su<sup>m</sup>e of Three Thousand Fower Hundred Nynety Seaven  
 poundes of Tobaccoe beinge A Certaine Debt which John Tully Sen<sup>r</sup>  
 by th<sup>e</sup> Considera<sup>o</sup>n of o<sup>r</sup> Justices of o<sup>r</sup> Provinciaall Co<sup>rt</sup> att o<sup>r</sup> City  
 of S<sup>t</sup> Maries the Fowerteenth day of this Instant December were  
 Adjudged for his said Debt which he had by Occasion of A Cer-  
 taine Ac<sup>o</sup>n of Trespas upon the Case whereof the said Mathias  
 De Costa is Convict And that the Tobaccoe by you soe made you  
 Deliver unto the said John Tully Sen<sup>r</sup> And of the Execu<sup>o</sup>n of  
 this yo<sup>r</sup> writt you make Retorne to o<sup>r</sup> Justices of o<sup>r</sup> Provinciaall Co<sup>rt</sup>  
 to be held att S<sup>t</sup> Maries the Fowerteenth day of February next And  
 have you there this writt &c.