

tobacco he cannot gainsay but that he oweth the same to the said Tobias in such manner as is above declared against him Therefore it is considered by the Court here that the Said Tobias recover against the said John Larkin aswell the summe of foure thousand six hundred fifty eight pounds of tobacco the remainder of the debt aforesaid as also the summe of Six hundred pounds of tobacco costs of Suite. Liber M M

W <sup>m</sup> Dare adm <sup>r</sup> Jn <sup>o</sup> Parker ag <sup>t</sup> Tobias Wells execut <sup>r</sup> Mary Pine	}	Tobias Wells late of Kent County execut <sup>r</sup> of the last will & Testament of Mary Pyne deceased was Sumōned to answer unto W <sup>m</sup> Dare Adm <sup>r</sup> of the goods and Chattells of John Parker deceased of a plea that he render unto him the summe of forty thousand pounds of tobacco which from him he unjustly deteineth
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And whereupon the said W<sup>m</sup> Dare by Robert Carville his Attorney Saith that whereas the Said Mary Pine & Tobias Wells together with One W<sup>m</sup> Lawrence did upon the fiftenth day of July in the yeare of Our Lord One thousand Six hundred Seventy two by their certaine bond or writeing Obligatory Sealed with the Seales of them the said Mary Pyne Tobias Wells & W<sup>m</sup> Lawrence confesse & acknowledge themselves to owe and Stand indebted unto the said John Parker in the full & just Summe or quantity of forty thousand pounds of good Sound & merchantable tobacco and casque to be paid conveniently in Kent or Talbott County at or upon the tenth day of October next ensueing the date of the said bond To the which payment well and truly to be made & done they did bind themselves their heirs executors & adm<sup>rs</sup> joyntly & severally by those presents Yet notwithstanding the Said Mary in her life time or the said Tobias Wells or the said W<sup>m</sup> Lawrence in the life time of the said Mary or Since her death the said summe of forty thousand pounds of tobacco to him the said John Parker in his life time or to the said W<sup>m</sup> Dare Since his death or any P<sup>t</sup> thereof have not paid or Satisfied according to the tenor of the said bond though often thereunto required but the Same to pay have hitherto denyed and refused and Still doe deny and refuse to the damage of the said W<sup>m</sup> Dare the summe of fifty thousand pounds of tobacco & thereupon he bringeth his Suite.

And the Said W<sup>m</sup> bringeth here into Court his Letters of Administration whereby it may appeare to the Court here that he is Administrator &c.

And the said Tobias by Kenelm Cheseldyn his Attorney cometh and defendeth the force & injury when &c & prayeth the heareing of the said writeing Obligatory & it is read unto him he prayeth likewise the heareing of the Condition of the Said bond and it is read unto him in these words. The Condition of this Obligation is Such that