

Liber NN thousand pounds of tobacco which to him they owe and unjustly deteine &c.

And whereupon the said Joseph by John Rousby his Attorney Saith That whereas the said John Michell James Clayland and Edward Winckles by their certaine bill Obligatory sealed with their seales here in Court brought whose date is the two and twentieth day of May in the yeare of Our Lord 1674 did acknowledge themselves to be holden and firmly bound joyntly and Severally their severall heirs executors and adm<sup>rs</sup> in the Summe of seaven thousand pounds of good sound merchantable tobacco and caske to be paid convenient in Myles River unto the Said Joseph his heirs executors adm<sup>rs</sup> or assignes at or before the tenth day of October then next ensueing the date of those presents Notwithstanding which the said John Michell James Clayland and Edward Winckles the said summe of seaven thousand pounds of tobacco to the said Joseph according to the tenor of the said bill have not paid but the Same to him to pay they and every of them have denyed and as yet doe deny and refuse to the damage of the Said Joseph twelve thousand pounds of tobacco And thereupon he brings his suite &c.

And the aforesaid John James and Edward by Mathew Warde their Attorney come and defend the wrong and injury when &c and they pray the heareing of the Said bill Obligatory and it is read unto them and they also pray the heareing of the condition of the Said bill Obligatory and it is read unto them in these words The Condition of this Obligation is Such that if the abovesaid John Michell James Clayland or Edward Winckles them their heirs execut<sup>rs</sup> or adm<sup>rs</sup> doe well and truly pay or cause to be paid unto the abovesaid Joseph Eaton his adm<sup>rs</sup> or assignes the full and just Summe of three thousand five hundred and fifty pounds of good tobacco as abovesaid convenient as abovesaid then this present Obligation to be void and of none effect otherwise to Stand in full force strenght and virtue In wittnes whereof the partyes abovementioned have hereunto sett Our hands and Seales the day and yeare abovewritten. Which being read and heard the said John Michell James Cleyland and Edward Winckles by their Attorney aforesaid pray licence to imparle hereunto untill the next Provinciaall Court, and it is granted them the Same day is given to the Said Joseph Eaton.

Now here at this day to witt the tenth day of April in the first yeare of the Dominio[n] of Charles Lord Baltemore &c Annoq̄ Doñi 1676 Came the said Joseph Eaton by his Attorney aforesaid and offered himselfe against the Said John Mitchell James Clayland and Edward Winckles in the plea aforesaid but the said John James & Edward came not but made default whereupon it is granted by the Court here that the said Joseph Eaton recover against the said John Michell James Clayland and Edward Winckles aswell the summe of Seaven thousand pounds of tobacco the debt aforesaid as