

aforesaid assessed As also Sixteene hundred fifty six p̄ds of tobacco Liber N N costs of suite.

Jarvis Ballard } Henry Smith late of Manokin in Som^rsett County
 ag^t } in the Province aforesaid Chirurgion was Attached
 Henry Smith } to Answer unto Jarvis Ballard M^rchant in a plea of
 trespas upon the case.

And whereupon the said Jarvis by Christopher Rousby his Attorney complaineth, that whereas the said Henry Smith the tenth day of July in the yeare of our Lord One thousand six hundred seventy foure att Manokin in the County of Som^rsett aforesaid had accompted with the same Jarvis Ballard of divers Goods & M^rchandize by the same Jarvis for the said Henry & att his request laid out & disbursed And upon that accompt the aforesaid Henry Smith was found in arrears to him the said Jarvis in sixteen hundred & Seventy foure pounds of tobacco & cask, And so being therefore indebted the said Henry Smith in consideracon thereof did assume upon himselfe & to the said Jarvis then & there faithfully promised to pay to the said Jarvis his heyres or assignes the said sume of sixteen hundred & seventy foure p̄ds of good sound M^rchantable tobacco in caske in some convenient place in Wiccocomico River in Som^rsett County aforesaid att or before the tenth day of Octob^r then next ensueing Nevertheless the said Henry Smith the said promise & assumpon in no wise regarding but endeavouring & fraudulently intending him the said Jarvis of the same Sixteen hundred & Seventy foure p̄ds of tobacco & cask craftily to deceive & defraud, the same unto him the said Jarvis though often thereunto required hath not paid, but the same to pay altogether denyes, whereupon the said Jarvis saith he is damnified & hath losse to the Value of three thousand p̄ds of tobacco & thereupon he bringeth his suite

And the said Henry Smith by Robert Ridgely his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto him, the same day is given to the plaintiffe also.

Now here att this day to witt the ffifteenth day of June in the third yeare of the Dominion of Charles Lord Baltemore &c Annoq̄ Doni 1678. came the said parties by their Attorneys aforesaid And the said Henry saith nothing in barr or avoidance of the accoñ aforesaid of him the said Jarvis in forme aforesaid brought, whereupon the said Jarvis remaineth ag^t the said Henry thereof wholly undefended Therefore itt is granted by the Court here that the said Jarvis Ballard recover ag^t the said Henry Smith as well the sume of Sixteen hundred Seventy foure p̄ds of tobacco damages occasioned by the trespas aforesaid, as also five hundred sixty eight p̄ds of tobacco costs of suite