

Liber N N James Whetcomb } Charles Ballard & Henry Smith late of Som<sup>r</sup>sett  
 p. 595 agt } County otherwise called Charles Ballard & Henry  
 Charles Ballard & } Smith both of Som<sup>r</sup>sett County in the Province  
 Henry Smith } of Maryland were Sumoned to Answer unto  
 James Whetcombe M<sup>r</sup>chant in a plea that they  
 render unto him Nine thousand Eight hundred p<sup>d</sup>s of to<sup>b</sup> & cask  
 which to him they owe & unjustly detain.

And whereupon the said James Whetcomb by Christopher Rousby his Attorney saith, that whereas the said Charles Ballard & Henry Smith the ninth day of february one thousand six hundred seventy five by their certaine writing obligatory sealed with the Seales of them the said Charles & Henry here in Court produced whose date the same day & yeare above written, did binde themselves their heyres Ex<sup>rs</sup> & Adm<sup>rs</sup> joyntly & severally to pay unto the said James Whetcomb his heyres Ex<sup>rs</sup> Ad<sup>rs</sup> & assignes or certaine Attorney the just & full quantity of nine thousand eight hundred pounds of good sound M<sup>r</sup>chantable to<sup>b</sup> in caske att or upon the tenth day of Octob<sup>r</sup> then next ensueing the date thereof convenient in Som<sup>r</sup>sett County aforesaid Yet notwithstanding the said Charles & Henry the said nine thousand Eight hundred p<sup>d</sup>s of to<sup>b</sup> & cask unto him the said James Whetcombe though often thereunto required have not paid nor either of them hath paid, but the same to pay have denyed & each of them still doth altogether deny, whereupon the said James saith he is damnified & hath losse to the Value of twelve thousand p<sup>d</sup>s of tobacco & thereupon he brings his suite

And the said Charles Ballard & Henry Smith by Robert Ridgely their Attorney come & defend the force & injury when &c and pray liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto them, 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 Annoq<sup>ue</sup> Doni 1678 came the said parties by their Attorneys aforesaid And the said Charles & Henry by their said Attorney say, that as to fourteen hundred twenty two pounds of tobacco part of the said Sume of nine thousand eight hundred p<sup>d</sup>s of tobacco in the declaracon above specified they cannot gainsay for that they owe the same unto the said James Whetcombe. the remainder of the said debt being Eight thousand three hundred seventy eight p<sup>d</sup>s of tobacco being already satisfied & paid Therefore itt is granted by the Court here that the said James Whetcombe recover ag<sup>t</sup> the said Charles Ballard & Henry Smith as well the sume of fourteen hundred twenty two p<sup>d</sup>s of tobacco debt As also five hundred sixty eight p<sup>d</sup> of tobacco costs of suite