

Gilbert Turberville ag ^t Thomas Smith	}	Thomas Smith late of S ^t Maryes County was Attached to answer unto Gilbert Turberville of a plea of trespas of the case	Liber N N
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And whereupon the said Gilbert by Robert Carville his Attorney saith, that the said Thomas Smith by his bill obligatory under his hand & Seale bearing date the twenty sixth day of february Anno Doni one thousand six hundred seventy six standing indebted to Robert Todd of the County of S^t Maryes Carpenter in the sume of two thousand p^ds of tobacco, the said Robert Todd came to the said Gilbert & desired him the said Gilbert to sell unto him the said Robert as many Goods as amounted unto the said sume of two thousand p^ds of tobacco to be paid on the tenth day of Octob^r following, & for satisfaction thereof the said Robert would assigne the said bill to the said Gilbert, Whereupon the said Gilbert on or about the second day of March one thousand six hundred seventy six acquainted the said Thomas Smith therewith, & desired to know of him the said Thomas whether he would pay the said sume of two thousand p^ds of tobacco to him the said Gilbert if he should accomodate the said Robert with the said Goods to the value aforesaid, & thereupon the said Thomas Smith in consideracon that the said Gilbert would sell unto & lett the said Robert Todd have Goods to the Value aforesaid & would take in his the said Smiths bill aforesaid, did assume upon himselfe & to the said Gilbert Turberville faithfully promise that he the said Thomas Smith the said sume of two thousand pounds of tobacco to him the said Gilbert would well & truely satisfie & pay according to the tenour of the said bill And the said Gilbert in fact saith, that he trusting to the promise & assumpon of the said Tho: Smith did accordingly accomodate the said Robert Todd & sell unto him as many Goods as amounted to the said sume of two thousand p^ds of tobacco & tooke in the said Smiths bill & the same assigned to him the said Gilbert as by the said bill & assignem^t ready to be produced to this Court may appeare Yet notwithstanding the said Thomas his promise & assumpon aforesaid little regarding, but deviseing & fraudulently intending him the said Gilbert in this behalfe craftily & subtilly to defraud & deceive the said sume of two Thousand pounds of tobacco to him the said Gilbert according to his promise & assumpon aforesaid though often thereunto requested hath not hitherto paid or satisfied, both the same to pay doth altogether deny to the damage of the said Gilbert three thousand pounds of tobacco & thereupon he bringeth his suite

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And the said Thomas Smith by Christopher Rousby 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 pth also.

Now here att this day to witt the Seventeenth day of June in the third yeare of the Dominion of Charles Lord Baltemore &c Annoq³