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| Jonathan Sibrey ag ^t James Mills Ex ^r Samuel Boston | } | James Mills Ex ^r of the last Will & Testam ^t of Samuel Boston decd was Sumoned to answer unto Jonathan Sibrey of a plea that he render unto him tenn thousand pounds of tobacco which to him he oweth & unjustly detaineth | Liber N N |
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And whereupon the said Jonathan by Robert Carvile his Attorney saith that whereas the said Samuell in his life tyme that is to say upon the fourteenth day of Novemb^r one thousand six hundred seventy six by his certaine bond or writeing obligatory Sealed with the seale of him the said Samuell & here in Court produced whose date is the day & yeare abovesaid did confesse & acknowledge himselfe to owe & stand indebted to the said Jonathan in the quantity of tenn thousand pounds of good sound M^rchantable tobacco to be paid to the said Jonathan, to which payment he bound himselfe his Ex^{rs} & Adm^{rs} Yet the said Samuel in his life tyme or the said James Mills since his death the said sume of tenn thousand pounds of tobacco to him the said Jonathan though often thereunto requested hath not paid, but the same to pay have hitherto denyed & still doe deny to the damage of the said Jonathan fifteen thousand pounds of tobacco & thereupon he bringeth his suite

And the said James Mills by Kenelm Cheseldyn his Attorney cometh & defendeth the force & injury when &c & prayeth the hearing of the said Obligation & itt is read unto him, he also prayeth hearing of the Condition of the said writeing & itt is read unto him in these words The Condition of this Obligacon is such, that if the above bound Samuell Boston doe & shall make his appearance att the next Court to be held for Cecil County being the third tuesday of this instant Novemb^r to answer the suite of John Desiardine in an accon of trespas of the case That then this Obligacon to be void or else to remaine in full force & vertue Which being read & heard the said James Mills by his Attorney aforesaid prayeth liberty to imparle hereunto untill next Provinciaall Courtt & itt is granted unto him, the same day is given to the plaintiffe also.

Now here att this day to witt the ffifteen day of June in the third yeare of the Dominion of Charles Lord Baltemore &c Annoꝝ Dni 1678. came the said parties by their Attorneys aforesaid, & the said James Mills by his said Attorney saith, that the said Jonathan Sibrey ought not to have his action against him, for that the said writeing obligatory menconed in the declaracon of the said Jonathan was delivered unto the said Jonathan by the said Boston for his appearance as the said Jonathan was Sheriffe of Cecil County, & not as any proper debt due unto the said Jonathan from him the said Samuel, neither hath the said Jonathan bin any manner of wayes damnified & this he is ready to averr And the said plaintiffe refused to make any further Prosecution against the said James Mills in the plea aforesaid, whereupon a Nonsuite is awarded against him