

Now here at this day to wit the fourth day of October in the Second year of his Lopps Dominion &c Annoq Doñ 1677 Came the Said Thomas Smith in Open Court in his proper person & Saith nothing in barr or avoidance of the action aforesaid of him the said Thomas Ball in forme aforesaid against him brought Whereupon it is granted by the Court here that the said Thomas Ball recover against the said Thomas Smith aswell the said summe of fifteen pounds Sterling & five hundred twenty eight pounds of tobacco damages occasioned by the trespas aforesaid as also five hundred thirty Six pounds of tobacco costs of suite &c.

Thomas Ball ag <sup>t</sup> Thomas Smith	}	Thomas Smith late of S <sup>t</sup> Maries County Sloop- man otherwise called Thomas Smith of S <sup>t</sup> Maries County planter was Suñoned to answer unto Thomas Ball in a plea that he render unto him the summe of foure thousand pounds of tobacco which to him he oweth & unjustly deteineth.
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And whereupon the said Thomas Ball by Kenelm Cheseldyn his Attorney Saith that whereas the Said Thomas Smith the eighteenth day of December in the year of Our Lord 167 did by his certaine writeing Obligatory Sealed with the Seale of the Said Thomas Smith here in Court produced whose date is the day & yeare abovesaid bind himsele his heirs execut<sup>rs</sup> adm<sup>rs</sup> or assignes to pay or cause to be paid unto the said Thomas Ball his heirs execut<sup>rs</sup> or assignes the full & just Summe of foure thousand pounds of good & Sound merchantable tobacco & caske to conteine the same to be paid in Wiccocomocco River or in some convenient place in Somerset County to be paid upon all demands betweene that & the last of March in the year of Our Lord 1676 notwithstanding which the said Thomas Smith the Said Thomas Smith the Said Summe of foure thousand pounds of tobacco according to the tenor of his said writeing Obligatory hath not paid though often thereunto required but the same to pay hitherto hath & Still doth deny to pay to the damage of the said Thomas Ball the Summe of Six thousand pounds of tobacco And thereupon he bringeth his suite.

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Now here at this day to wit the fourth day of October Anno Doñ 1677 Came the Said Thomas Smith in his Proper person and saith nothing in barr or avoidance of the action aforesaid of him the said Thomas Ball whereupon the said Thomas Ball remaineth against the Said Thomas Smith thereupon wholly undefended Whereupon it is granted by the Court here that the said Thomas Ball recover ag<sup>t</sup> the said Thomas Smith aswell the summe of foure thousand pounds of tobacco the debt aforesaid as also five hundred thirty six pds of tobacco costs of suite.