

use his best Skill & endeavour to receive the Said Severall Summes of tobacco for the use of the said W<sup>m</sup> but also that he the said Cuthbert would quietly deliver up unto the said W<sup>m</sup> or his assignes all such summe or Summes of tobacco as he the said Cuthbert Should at any time receive of the debts aforesaid Saveing to himselfe & deducting for his Salery ten pounds of tobacco for every hundred pounds of tobacco which he the Said Cuthbert Should receive of the said debts And the said W<sup>m</sup> in fact saith that he the said W<sup>m</sup> trusting to the promise and assumption aforesaid of him the Said Cuthbert Did the aforesaid 20<sup>th</sup> day of March 1673 authorize him the said Cuthbert by Letter of Attorney under the hand & Seale of him the Said William to collect the Severall Summes of tobacco due to him the said W<sup>m</sup> within this Province as aforesaid And did agree to allow him the said Cuthbert ten pounds of tobacco by the hundred for his Salery for all such tobacco as he should receive for the said W<sup>m</sup> as aforesaid By virtue & in pursuance whereof the said Cuthbert afterwards to wit the 22<sup>th</sup> of September 1674 did receive of Christopher Rousby then Sheriff of Calvert County Seu<sup>r</sup>all summes of tobacco due to the said W<sup>m</sup> from Severall persons within the said County in all amounting to six thousand nine hundred twenty five pounds of tobacco as by a receipt for the same under the hand of the said Cuthbert here in Court produced whose date is the same 22<sup>th</sup> day of September 1674 more fully may appeare Whereby action did acruē to the said W<sup>m</sup> to demand & have of the said Cuthbert six thousand two hundred & thirty two pounds of tobacco & a halfe Yet the s<sup>d</sup> Cuthbert his promise and assumption aforesaid not regarding the aforesaid Six thousand two hundred thirty two pounds & a halfe of tobacco nor any part thereof in his life time unto the Said W<sup>m</sup> hath not paid nor the said Richard to whom adm<sup>cōn</sup> of the goods & chattels which were of the said Cuthbert by the Hon<sup>ble</sup> Philip Calvert Esq<sup>r</sup> Cheife judge for proveing of Wills & granting of adm<sup>cōns</sup> within this Province is granted the Said Six thousand two hundred thirty two & a halfe pounds of tobacco nor any Part of it since the death of the said Cuthbert unto the said W<sup>m</sup> hath not paid but the same & every part thereof unto the said W<sup>m</sup> to pay hath denyed though often thereunto requested & the said Richard the said six thousand two hundred thirty two pounds & a halfe of tobacco unto the said W<sup>m</sup> to pay Still doth deny whereupon the said W<sup>m</sup> Saith he is worse & hath damage to the value of Eight thousand pounds of tobacco And thereupon he brings his suite.

And the said Richard by Charles Boteler his Attorney cometh & defendeth the force & injury when &c & prayeth liberty to imparle hereunto untill October Court next and it is granted unto him the same day is given to the said W<sup>m</sup>

Att which day to wit the sixth day of October Anno Dom̄ 1677 Came the said W<sup>m</sup> & Richard by their Said Attornyes and the said

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