

writing obligatory Sealed with the Seale of the said John here in Court produced whose date is the same day & yeare above written, acknowledge himselfe to owe & stand justly indebted unto the said John Jones in his life tyme of the said City of S^t Marys gentl the full & just sume of twelve hundred pounds of good sound M^rchantable leafe tobacco & cask, to be paid to the said John Jones his Exec^{rs} Adm^{rs} or assignes convenient for shipping in S^t Maryes County in the said Province att or before the tenth day of Octob^r next ensuing To the which payment well & truely to be made he did binde himselfe his heyres Exec^{rs} & Adm^{rs} firmly by these p^rsents Notwithstanding which the said John Quigley the said Sume of twelve hundred pounds of tobacco according to the tenour of his said writing obligatory to him the said John Jones in his life tyme hath not paid nor to the said Kenelm since his death Exec^r of the last Will & testm^t of him the said John though often thereunto required, but the same to him to pay hitherto hath & still doth deny to pay to the damage of the said Kenelm three thousand pounds of tobacco & thereupon he bringeth his suite And the said Kenelm bringeth here in Court the Letters testamentary of the said John that itt may appeare to the Court here that he is Exec^r of the said John of the testam^t aforesaid & thereupon to haue Adm^{con}

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And the said John Quigley by Robert Ridgely 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 giuen to the plaintiffe also.

Att which said next Provinciaall Court to witt the Eighth day of October in the third yeare of the Dominion of Charles Lord Baltimore &c Annoq Doni 1678 came the said parties by their Attorneys aforesaid And the said John Quigley by his said Attorney saith, that the said Kenelm ought not to haue his action aforesaid against him, because he saith, that he the said John Quigley the day of 167 after the date of the same bill obligatory in the life tyme of the said testator & att the speiall instance & request of the said Testator, the said twelve hundred pounds of tobacco to the Hon^{ble} W^m Calvert Esq^r Secretary of this Province for the accompt and proper debt of the said Testator did pay & satisfy, & this he is ready to averr, whereupon he prayes Judgem^t if the aforesaid plaintife his action aforesaid against him ought to haue, whereupon day is further given to both parties untill next Provinciaall Court

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Now here att this day to witt the Thirteenth day of March in the fourth yeare of his said Lordppps Dominion Annoq Doni 1678. cometh as well the said plaintiffe as the said Defend^t by their Attorneys aforesaid, & the said John by his said Attorney relinquisheth his plea aforesaid, & saith that he cannot gainsay the said action of the said Kenelm, for that he hath not paid to the said John Jones in