

caske to containe the same, to be well & truely paid to the said W^m Neads & Comp^a their heyres Ex^{rs} & Adm^{rs} on demand after the tenth day of October next ensuing the date thereof in some convenient place in Som^rsett County to the which paym^t well & truely to be made the said Edward Gibbs did binde himselfe his heyres Exec^{rs} & Adm^{rs} firmly by those p^rsents Notwithstanding which the said Edward Gibbs the aforesaid full & just Sum^e of thirteen thousand foure hundred sixty & three pounds of tobacco unto the said W^m Neads and Comp^a according to the tenour forme & effect of his said bill hath not paid, but the same to pay hath denied & as yet doth deny, whereupon the said W^m Neads & Comp^a say they have losse & are damnified to the Value of twenty thousand pounds of tobacco, & thereupon they bring their suite

And the said Edward Gibbs by Robert Ridgely his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provintiall Court & itt is granted unto him, the same day is given to the plaintiffes also

Now here att this day to witt the Seventh day of June in the fourth year of the Dominion of Charles Lord Baltemore &c Annoq^{ue} Doni 1679 come as well the said plaintiffes as the said Defend^t by their Attorneys aforesaid And the said Defend^t by his said Attorney saith, that the aforesaid W^m & Comp^a their action aforesaid against him for the said thirteen thousand foure hundred sixty & three pounds of tobacco ought not to have, because he saith that he the said Edward the said sum^e of thirteen thousand foure hundred sixty & three pounds of tobacco to the said W^m & Comp^a according to the tenour and effect of his said bill obligatory did well & truely pay, & this he is ready to averr, whereupon he demands judgm^t if the said W^m & Comp^a their action aforesaid against him ought to have And the said W^m & Comp^a say, that by any thing above alleadged of their action aforesaid they ought not to be debarred, for that the said Edward hath not paid nor satisfied the sum^e of thirteen thousand foure hundred Sixty three pounds of tobacco unto the said W^m & Comp^a & this they pray may be enquired of by the Countrey And the said Edward likewise Therefore itt is Com^{an}ded the Sheriffe of S^t Maryes County that he cause to come here twelve &c by whom &c and who neither &c to recognize &c because as well &c, On which said Seventh day of June in the yeare aforesaid come as well the said p^rts as the said Def^t by their Attorneys aforesaid And the jurors impannelled being called likewise come to witt John Evans, Stephen Murty, Samuell Asbiston, Richard Sweatnam, Anthony Evans, Nicholas Hacket, Robert Smith, Henry Penington, James Harrison, John Watson, Robert Toate & Elias Beech who being Elected tryed & sworne to say the truth in the p^rmisses upon their Oaths doe say that the said Edward Gibbs hath paid unto the said W^m Neads & Comp^a Six thousand Eight hundred forty eight pounds of tobacco