

And whereupon the said Gerard by Kenelm Cheseldyn his Attorney saith, that whereas the said Symon the fourteenth day of Septemb<sup>r</sup> in the second yeare of the Dominion of Charles &c Anno<sup>q</sup> Doni One thousand six hundred Seventy seven by his certaine writing Obligatory Sealed with the Seale of him the said Symon & here in Court produced whose date is the same day & yeare above written did own & acknowledge himselfe to be bound & firmly obliged unto him the said Gerard Slye in the just Sum<sup>e</sup> of ffoure thousand pounds of good sound M<sup>r</sup>chantable tobacco & cask to be paid to the said Sheriffe or his certaine Attorney Exec<sup>rs</sup> or assignes Notwithstanding the said Symon the said Sum<sup>e</sup> of ffoure thousand pounds of tobacco to him the said Gerard according to the tenour of his said writing obligatory hath not paid, but the same to pay hath altogether denyed & still doth deny, whereupon he saith he is damnified & hath losse to the Value of Eight thousand pounds of tobacco & thereupon he bringeth his suite

And the said Symon by Robert Carvile his Attorney cometh & defendeth the force & injury when &c and prayeth hearing of the said writing obligatory & itt is read unto him, he also prayeth the hearing of the Condi<sup>c</sup>ōn of the said writing & itt is read unto him in these words following Viz<sup>t</sup> The Condi<sup>c</sup>ōn of this Obligacōn is such That if the above bound Samuel Abbot doe appeare before the Justices of the Provinciaall Court att S<sup>t</sup> Maryes the second day of October next to Answer unto Garret Van Sweringen in a plea of trespas on the case And also doe & shall stand to & abide such judgement & finall determinacōn of the said cause as shall be made att the tryall & hearing thereof That then the above Obligacōn to be Void & of none effect Or else the same to stand in full force & Vertue Which being read & heard the said Symon by his Attorney aforesaid prayeth liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto him the same day is given to the plaintiffe also.

Now here att this day to witt the Sixteenth day of Octob<sup>r</sup> in the third yeare of the Dominion of Charles Lord Baltemore &c Anno<sup>q</sup> Doni 1678 came as well the said plaintiffe as the said Defend<sup>t</sup> by their Attorneys aforesaid And the Defend<sup>t</sup> by his said Attorney saith that the plaintiffe his action aforesaid against him ought not to have, because he saith that the said Samuel Abbot in the Condi<sup>c</sup>ōn of the said Obligacōn mencōned did att the said second day of Octob<sup>r</sup> in the said Condi<sup>c</sup>ōn also mencōned by Nehemiah Blakiston gen<sup>t</sup> one of the Attorneys of this Court as Attorney for him the said Symon enter his Apparance before the Justices of the Provincial Court att the suite of the said Garret VanSweringen according to the Condi<sup>c</sup>ōn of the said Obligacōn And that upon his entring his Apparance aforesaid, the said Samuel & Symon ought to be discharged from the said Obligacōn haveing performed the Condi<sup>c</sup>ōn thereof, & this he is ready to averr & demands judgem<sup>t</sup> of the said