

three hundred & seven pounds of good sound M<sup>r</sup>chantable tobacco in caske which to him he oweth & unjustly doth detaine Liber N N

And whereupon the said W<sup>m</sup> Doning by Robert Ridgely his Attorney saith, that whereas the said John Brooke upon the fifth day of July Annoq̄ Doni One thousand six hundred Seventy & Eight by his certaine bill or writeing obligatory sealed with the Seale of him the said John & here in Court produced whose date is the day & yeare first above written, did acknowledge himselfe to owe & stand justly indebted unto W<sup>m</sup> Doning of the City of Bristol M<sup>r</sup>chant in the full & just Summe of Eighteen thousand three hundred & Seven pounds of good sound M<sup>r</sup>chantable tobacco in caske to be paid convenient in little Choptank river in the County aforesaid att or before the tenth day of October next ensuing the date thereof to the said W<sup>m</sup> Doning his lawfull Attorney his Exec<sup>rs</sup> Adm<sup>rs</sup> or assignes To which payment well & truely to be made the said John Brooke did binde himselfe his Exec<sup>rs</sup> & Adm<sup>rs</sup> firmly by the said bill Notw<sup>th</sup>standing which the said John Brooke though often thereunto required the said summe of Eighteen thousand three Hundred & Seven pounds of tobacco to the said W<sup>m</sup> Doning according to the tenour forme & effect of his said bill hath not paid nor satisfied, but the same to pay hitherto hath denyed & still doth deny, whereupon the said Williams Doning saith he is damnified & hath losse to the value of twenty five thousand pounds of tobacco & thereupon he bringeth his suite. p. 899

And the said John Brooke by Charles Boteler 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 plaintiffe also

Att which said next Provintiall Court came the said parties by their Attorneys aforesaid And the said John Brooke by his said Attorney saith, that the said W<sup>m</sup> Doning his action aforesaid against him the said John Brooke ought not to have, for the said bill or writeing obligatory is not the deed of the said John And of this he putts himselfe upon the Countrey. And the said W<sup>m</sup> Doning saith, that he by any thing before alleadged ought not to be barred from haveing his action aforesaid because he saith that the writeing obligatory aforesaid is the Act & deed of the said Defend<sup>t</sup> And this he prayes may be enquired by the Countrey, whereupon day is given to both parties untill next Provintiall Court.

Now here att this day to witt the Eleventh day of Octob<sup>r</sup> in the fourth yeare of the Dominion of the Right Hon<sup>ble</sup> Charles Lord Baltemore &c Annoq̄ Doni 1679 came as well the said plaintiffe as the said Defend<sup>t</sup> by their Attorneys aforesaid And the said Defend<sup>t</sup> by his said Attorney saith, As to three thousand pounds of tobacco part of the debt in the Declaracōn mencōned he hath satisfied & paid unto the said W<sup>m</sup> Doning And as to fifteen thousand three hundred