

obligatory sealed with the seale of him the said Garrat and here in Court produced whose date is the day and yeare aforesaid. Did acknowledge himself to owe and stand Justly indebted unto the said Thomas Notley in the full & just quantity of Twenty thousand Eight hundred pounds of good sound Marchantable Leafe Tobacco and Caske to Containe it. To bee payd to him the said Thomas Notley his heires Executors or adm<sup>rs</sup> To the w<sup>ch</sup> payment well and truely to bee made the said Garratt Vanswearingen did binde himself his heires Executo<sup>rs</sup> and Adm<sup>rs</sup> firmly by those p<sup>rs</sup>ents. Notw<sup>th</sup>-standing w<sup>ch</sup> the said Garratt Vanswearingen the said sume of Twenty thousand Eight hundred pounds pounds of Tobacco to the said Thomas Notley in his life time. nor to the said Charles and Benjamin since his death (to whom Execution of the last will and Testament of the s<sup>d</sup> Thomas Notley since his death hath bene Comitted) hath not paid although often thereunto Required. but the same to pay hath denyed and as yet doth denye, in Retardation of the Execution of the Testament of the said Thomas, and to the damage of the s<sup>d</sup> Executo<sup>rs</sup> to the Vallue of fforty thousand pounds of Tobacco. and thereupon they bring their suite And the said Executo<sup>rs</sup> bring into Court here the Lett<sup>rs</sup> Testamentary to them granted of the Testament of the said Thomas Notley that it m[ay] appeare to the Court here that they thereof are Executo<sup>rs</sup> :

And the said Garret Vanswearingen in his proper pson Cometh and defendeth y<sup>e</sup> force & injury when &c and prayeth the hearing of the said writeing obligatory and itt is Read unto him. he prayeth alsoe the hearing of the Condition of the same Writeing obligatory and Itt is Read unto him in these words (viz) The Condition of the above obligation is such that if the above bound Garrett Vanswearingen shall well and truely pay or Cause to bee paid unto the Hono<sup>ble</sup> Thomas Notley Esq<sup>r</sup> above mentioned his Heires Executo<sup>rs</sup> adm<sup>rs</sup> assigns the Just quantity of Tenn thousand foure hundred pounds of good sound Marchantable Leafe Tobacco and Caske to Containe it. Convenient in the County of st Maries aforesaid att or before the first day of october next Ensueing the date hereof. Then the p<sup>rs</sup>ent obligation to bee voyd and of none effect. otherwise to stand remaine and bee in full force power and Vertue. Which being Read and heard the said Garratt sayth that hee hath nothing to say in Barr or avoydance of the ac<sup>con</sup> aforesaid of them the said Charles Lord Baltimore and Benjamin Rozer. Therefore Itt is consider<sup>d</sup> by the Court here this day (to witt) the Twelfth day of May in the ffifth yeare of the Dominion of the R<sup>tt</sup> hono<sup>ble</sup> Charles Lord Baltimore &c Annoq Dom 1680 that the said Charles Lord Baltimore and Benjamin Rozer Executo<sup>rs</sup> as aforesaid Recover against the said Garratt Vanswearingen the aforesaid sume of Twenty thousand Eight hundred pounds of Tobacco debt and also ffive hundred ninety five pounds of Tobacco Costs of suite. And the said Garratt in Mercy &c

Liber W. C.

p. 199