

but a proferendo thereon awarded: Wee therefore Comand you that you proceed to
 keare give Judgement & determine all cause or causes depending in yo^r Court betwix
 the said Henry Smith and the said John Rousfelloe & after Judgem^t execution to award as if
 the said Habieat Corpus had never issued out as aforesaid witness o^r f^r the 20th day of
 Sept^r in y^e 12 year of our Dominion & Annoy^m Jo^m 1607
 Underwood Edw^d Boothby Clk.

The Court Comandd assigny the pte & dis^t Joyn^t J^{ur}is

The J^{ur}y Impannelled & sworn vizt in John Whit for man: Marye Mountaine Rowland
 Bevanob: John Starrett John Cullen: Edward Howler: Tho: Sammore: Tho: Gordon: manob
 morib: George Collob: George Parker Richard Croppell

del^d: read vizt

Somerset Countye Jo^m Rousfelloe late of this Countye was attalyed to answe^r unto Capt^a
 Henry Smith in a plea of Debt &

Answered upon the pte by Thomas Poole his attorney Comib & saith that he by Jo^m Rousfelloe
 upon the 26th day of March in the year of o^r said 1605 became indebted unto y^e pte by
 full & Just Summe of Twenty Thousand pounds of good sound merchantable tobacco in
 Cash as will in Co^{rt} more plainly appear by a certain bond w^{ch} we have here in Co^{rt}
 to produce under the hand & seal of him the said John Bearing date as afores^d: wherein he
 said John did binde himselfe his heires executors and adm^s: to pay the Summe aforesaid
 unto the pte his heires ex^orcuto^r adm^s: & assignes according to the tenor of the aforesaid bond
 but he the said John fraudulently intending the pte to receive of the Summe aforesaid
 denie & still doth denie to pay the aforesaid Summe of 20000^l of tobacco although often times
 required by the pte whereupon the pte saith that he is damaged & hath damadg^e: to y^e value
 of forty thousand pounds of tobacco & thereupon bringeth his suit
 P^ridg^e: di^l: } Jo^m Doe
 Richard Roe

Ass^{ess}er Tho: Poole

And the said John Rousfelloe J^{ur}is by his attorney John Taylor Comib & saith althowg^h
 ready to pay unto the said Smith according to obligation & whereupon the d^{is}^t
 put himselfe upon the Countye Ass^{ess}er John Taylor
 Underwood read vizt

Maryland J^{ur} Know all men by these presents that wee John Rousfelloe & William Harper both of
 both County of Somerset in y^e province aforesaid doe acknowledge & confess o^r selves to
 be firmly & Justly indebted unto Capt^a Henry Smith of the County & Province afores^d
 gent^l: in the full & Just Summe & quantity of Twenty Thousand pounds of good sound
 merchantable Tobacco in Cash due to be paid to y^e said Capt^a Henry Smith his heires
 executors adm^s: or assignes to the w^{ch} paym^t well & truly to be made & paid
 wee the said John Rousfelloe & w^m Harper doe binde our selves our heires executors
 & adm^s: jointly & severally firmly by these presents as witnesses our hand & seals
 the twenty sixth day of March Annoy^m Jo^m 1605

The Condition of this obligation is such that if the above bounden John Rousfelloe doe will & truly
 & faithfully pay or cause to be paid unto the above mentioned Capt^a Henry Smith the full &
 Just Summe of Seven Thousand eight hundred eighty three pounds of good sound merchantable
 tobacco in Cash at or upon the 10th day of October next ensuing the date hereof conveniently
 according to Act of Assembly or otherwise to make over the land & plantation whereon the said
 John Rousfelloe doth now live on that then this obligation to be void & of none effect or else to
 remaine in full force power & vertue /

John Rousfelloe sealed
 w^m Harper W^m: sealed
 mark

Seigned sealed & delivered in the
 presence of us John Webb Richard H^e Harris

Somerset Countye Jo^m Webb witness above named this day to witt y^e 9th day of August Annoy^m 1607