

June 4. 15. 1691

Remains indebted unto the p[er] in the full and just sum of One thousand two hundred pounds of good sound merchantable tobacco in Cash, whereas the sd defendant did bind himself his Heirs, Executors and Assigns for the payment thereof to the p[er] his Heirs, Executors Assigns or Assigns, as by the sd Instrument which is here in Court produced, it doth and may appear. Now the p[er] saith that the sd Defendant by his intermarriage with the sd Hon[or]able and Hon[or]able to the sd defendant fraudulently and craftily intending to deprive the p[er] of the forced sum of 1200 lb. of tobacco hath hitherto denied payment and yet doth deny though often thereunto required. The p[er] saith he is damaged and hath lost to y[e] value of 2400. pounds of lb. tobacco and thereupon brings this suit

J. S. & R. p[ro]d[uc]t[or]s. { Jno. Do. King. Esq. }

Bill:

And y[e] Doct[or] saith that he is not indebted to the p[er] in manner and form as the p[er] declares by the above said bill upon which he is upon the Court. Edward. Gouge

The p[er] maintains the p[er]. J. S.

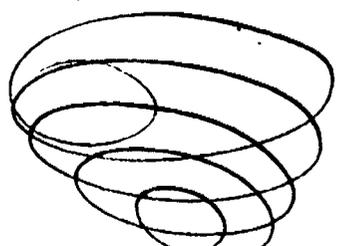
Then was this following bill produced (viz) 

This Bill bindeth me dutifully distinct my Heirs, Executors Assigns or Assigns to pay or cause to be paid the full and just sum of twelve hundred pounds of good sound merchantable tobacco in Cash to be paid according to Act of Assembly in the County of Somerset & Liberties of Maryland to be paid to John. Prichard of the same County & Liberties aforesaid to be paid the last day of October next ensuing the date hereof in witness whereunto I set my hand and seal. This twenty first day of November One thousand six hundred eighty six

James: Bill

Anthony - Justin  
his mark

Seign: Brown  
his mark



The matter being by the attorney's referred to y[e] judgment of this Court who finding the above said Bill not in Court to prevent sd Bill do order a Non suit agt the p[er]

vid: 28m 2r fo: 140

Cap. William: Culberson (ll) } Somerset County sh: James: Smith of this County Comor was attached to answer unto  
Contra. } Cap. Wm: Culberson of y[e] same County put in a plea of debt. fr.  
James: Smith. Doct. } And whereupon the p[er] by James: Sneyler his Attorney, Comd and says that the sd Doct[or] is become and stands indebted unto the p[er] in the full and just sum of Twelve hundred pounds of good sound merchantable tobacco in Cash to be paid by the sd Defendant in the sd County for the true performance of of the said paymt[en]t did bind and oblig himself his Heirs Executors and Assigns as doth and may appear by an Obligation, under his hand and seal of the sd Doct[or] bearing date the twentieth day of July 1689. and is here in Court produced, the condition of which Obligation is such, that if the above named James: Smith Doct[or] do well and truly and faithfully perform for the sd p[er] within the sd, whether of store built or Cow leeds and have done some at or before One year to be computed from y[e] date of the sd Obligation, then the same to be void, otherwise to be full force and virtue. Now the p[er] saith that the sd Doct[or] fraudulently and craftily intending to deprive the p[er] of the above sum of 1200. of tobacco hath not complied with the sd condition but doth deny payment according to the tenor of y[e] sd Obligation & the p[er] great loss & damage & thereupon brings this suit  
Ja. S. p[ro]d[uc]t[or]. { Jno. Do. }