(131)

Jun 9. 13. 1691

Bound indebted unto the plt in the full and just Sum of One thousand two hundred pounds of good sound merchantable tobacco in Cask, whereunto the sd Austin doth bind himself his Heirs, Exors and Admrs for the payment thereof to the plts his Heirs, Exors Admrs or Assigns, as by the sd Instrument which is here in Court produced, it doth and may appear. Now the plt saith that the sd Dennis by his intermarriage with the sd Mond. Solit and Admx to the sd Anthony fraudulently and Craftily intending to deprive the plt of the forsd Sum of 1200 lb. of tobacco hath hitherto denyed payment and yet doth deny though often thereunto required. The plt says he is damnified, and hath lost to ye value of 2400. pounds of lib. tobacco and thereupon brings this Suit

J.S. & R.T. pltfs pros. { Jno. Jo. Rich. Rog. }

Plea:

And ye. Deft. saith that he is not indebted to the plt in manner and form as the plt declareth & thereupon puts himself upon the Court. Edward: Jones

The plt maintains the plea. J.S.

Then was this following Bill produced (viz)

This Bill binds me Anthony Austin my Heirs, Executors Admrs. or Assigns to pay or cause to be paid, the full and just Sum of twelve hundred pounds of good sound merchantable tobacco in Cask to be paid according to Act of Assembly in the County of Somerset & Province of Maryland to be paid to John: Brittons of the same County & Province aforesd to be pd the twenty 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 - - - Anthony - Austin his mark

Witness
James: Hill
Sejny: Browne his S mark

The matter being by the Attorneys referred to ye judgmt. of this Court who finding the Evidence to the sd Bill not in Court to prove sd Bill do Order a Non Suit agt the plt.

vide Minutes fo: 140

Capt. William: Coulborne Plt.
Contra.
James: Smith. Deft. —

Somerset County ss. James: Smith of this County Farmer was attached to answer unto Capt. Wm: Coulborne of ye same County Gent in a plea of debt. &c.

And whereupon the plt by James: Sangster his Attorney, Comes and Says that the sd Deft is become and stands indebted unto the plt in the full and just Sum of Five hundred pounds of good sound Merchantable tobacco in Cask to be paid Delivered in the sd County for the true performance of of the sd payment did bind and oblige himself his Heirs Exors & Admrs. as doth and may appear by an Obligation, under the hand and seal of the sd Deft 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 Deft. do well and truly and faithfully Serve for the sd plt twelve Months, whether of Steer Bulls or Cows heads and Horse dogs &c, at or before the year be expired to be accompted from ye date of the sd Obligation, then the same to be void, otherwise to be of full force and vertue. Notwithstanding ye sd Deft fraudulently and craftily intending to deprive the plt of the above sd Sum of 1200. lb tobacco hath not Complyed with the sd Condition but doth deny payment according to the tenour of ye sd Obligation & the plt great loss & damage & thereupon brings this suit

Ja: Sa pltfs pros. (Jno: Jo.)