

Christopher Baynes Executor of Christopher Baynes plantiffe: Joseph Addison Defendant.

Prince Georges County Ss. Joseph Addison late of Prince Georges County planter otherwise Called Joseph Addison of Calvert County in Pattuxent River planter was Summoned to Answer unto Christopher Baynes Executor of the last will and testament of Christopher Baynes Deceased who Intermarried with Elizabeth Higham of a plea that he Render unto him the Just and neate quantity of Six hundred pounds of good Sound Marchantable tobaccoe and Caske to Containe the Same which from him he unjustly Deteyneth etc.

And whereupon the Said Christopher by William Stone his Attorney Saith that the Said Joseph the Sixth day of May in the yeare of our Lord 1695 at Calvert County that is to Say at Charles Towne within the Jurisdiction of this Court by his Certaine bill Obligatory which the Said Christopher with the Seale of the Said Joseph Signed bringeth here into Court the date whereof is the Same day and yeare aforesaid did bind himselfe to to pay or Cause to be paid unto the abovenamed Elizabeth Higham whilst She was Sole Called Elizabeth Higham of Calvert County widdow her heires Executors Administrators or Assignes the Just and neate quantity of Six hundred pounds of good Sound Marchantable tobaccoe and Caske to Containe the Same upon the plantation he the Said Joseph did then live on to the which payment well and truly to be made and done he the Said Joseph did bind himselfe his heires Executors and Administrators firmly by those presents Notwithstanding which the Said Joseph the Said Sume of 600 pounds of tobaccoe According to the tennor of the Said bill Obligatory to the Said Elizabeth Higham while Shee was Sole nor to the Said Christopher and Elizabeth after the marryage between them had and Celebrated nor to the Said Christopher Executor aforesaid Since the death of the abovenamed Christopher to whome Execution of the last will and testament of the Said Christopher deceased Since his death hath been by due Course of Law Legally Committed hath not paid Although the Said Joseph by the Said Elizabeth while She was Sole and by the Said Christopher and Elizabeth after the marryage had and Solemnized between them and by the Said Christopher Executor aforesaid Since the Death of the Said [187] Christopher hath been often times thereunto Required but the Same to pay hath hitherto Denyed and Still doth denye to the Damage of the Said Christopher Executor aforesaid of 1200 lbs. of tobaccoe and thereof he brings his Suite etc.

William Stone. Pledges etc. John Doe, Richard Roe.

And the Said Christopher Executor aforesaid bringeth here into Court the Letters testamentary of the Said Christopher Deceased that it may Appeare to the Court here the Said Christopher to be the Executor aforesaid.

And the Said Joseph Addison by Henry Bonner his Attorney Cometh and defendeth the force and Injury when etc. and prayeth leave thereof to Imparle here untill next Court and it is granted unto him the Same day is given to the plantiffe Likewise etc.

Att which Said next Court (to witt) the 22d day of June Annoque Domini 1697 Came as well the Said Christopher Baynes as the Said Joseph Addison by their Attorneys aforesaid and the Said Christopher Baynes prayeth that the Said Joseph Addison to his decleration aforesaid may Answer etc. And the Said Joseph Addison by Henry Bonner his Attorney Cometh and [defendeth] the force and Injury when etc. And Saith that the Said Joseph Addison doth not owe the Said Six hundred pounds of tobaccoe in manner and forme as the