

of good Sound Marchantable Leafe tobaccoe and Caske which to him he oweth and unjustly Deteyneth etc.

And whereupon the Said Ninian Beall by John Meriton his Attorney Complayneth that [239] Whereas the Said Hugh Riley the 27th day of Febuary 1693/4 by his Certaine bill or writeing Obligatory Sealed with the Seale of him the Said Hugh and here in Court produced whose date is the day and yeare aforesaid did bind himselfe his heires Executors and Administrators to to pay or Cause to be paid unto Ninian Beall of the Same County his heires Executors Administrators or Assignes the full and Just Sume of three thowsand two hundred pounds of good Sound Marchantable Leafe tobaccoe and Caske Convenient in the Freshes of Pattuxent River at or upon the tenth day of January next Ensueing the date hereof NotwithStanding which the Said Hugh Riley the Said Sume of 3200 lbs. of tobaccoe According to the tenor of the Said bill or writeing Obligatory to the Said Ninian Beall Altho often demanded hath not paid but the Same to pay hath denied and Still doth denye to the Damage of the Said plantiffe of 6000 lbs. of tobaccoe and thereupon he brings this Suite.

Pledges etc. John Doe, Richard Roe. John Meriton.

And the Said Hugh Riley by William Stone his Attorney Cometh and defendeth the force and Injury when etc. And the Said Ninian Beall by John Meriton his Attorney this 28th day of September 1697 Cometh and Saith that he hath Caused a Cobby of the Decleration aforesaid to be Left by the Sheriffe with the Said Hugh Riley att the time the Sheriffe Served his Majesties writt for the Said plantiffe upon the Said Defendant Whereupon the Said plantiffe prayeth that the Said Defendant to his Decleration aforesaid may Answer etc. According to Act of Assembly in that Case made and provided etc.

And now here at this day (to witt) the 28th day of September Annoque Domini 1697 Came the Said Hugh Riley by William Stone his Attorney Cometh and Defendeth the force and Injury when etc. and Saith that the Said Ninian Beall his Action aforesaid in forme aforesaid against him ought not to have because he Saith that at the time of the insealing and delivering of the bill Obligatory mentioned in the plaintiffs Decleration that is to Say the 27th day of Febuary 1693/4 that then this Defendant was in Duris of Imprisinment that is to Say in Costody of the Said Ninian Beall then high Sheriffe of Calvert County and this he is Ready to Verryfie and prayes Judgment etc.

William Stone.

And the Said plantiffe by his Attorney aforesaid Saith that the Said Hugh Riley was not in Duris and prayes Judgment of this Court.

(John Meriton) and the Defendant alsoe. William Stone.

The truth of the matter in Controversie between the parties aforesaid by the Court here being fully heard understood and Maturely Deliberated And the Wittnesses on Each part Respectively being produced Sworne heard and Examined It is thereupon Considered that the Said Ninian Beall Recover against the Said Hugh Riley the Sume of three thowsand two hundred pounds of tobaccoe his Debt aforesaid And his Damages by Occation of Deteyning the Said Debt nine hundred fifty Seaven pounds of tobaccoe to the Said Ninian Beall of his Assent by the Court here Adjudged etc. And the Said Hugh Riley in mercy etc.

Richard Edwards plantiffe: Cortny Crotoffe Defendant

The plantiffe by John Meriton his Attorney brought the writt of our Sovereigne Lord the King against Cortly Crotoffe of a plea of trespass upon the Case etc.