

Caske to Containe the Same to be paid upon all Demands to which payment well and truly to be made and Done the Said Charles did bind himselfe his heires Executors Administrators firmly by those presents Notwithstanding which the Said Charles the Said Sume of 4200 lbs. of tobaccoe and Caske According to the tenor of the Said bill Obligatory Although often Required the Same to the Said Allexander hath not paid but the Same to pay to the Said Allexander hath denyed and Still doth denye to the Damage of the Said Allexander of 8000 lbs. of tobaccoe and thereupon he brings this Suite etc.

Pledges etc. John Doe, Richard Roe. Meriton.

And now here at this day (to witt) the 22d day of March Annoque Domini 1697[1698] Came as well the Said Allexander Magruder by his Attorney aforesaid as the Said Charles Tracey in his proper person in Custody of the Sheriffe etc. And the Sheriffe now Returneth that he hath taken the body of the Said Charles Tracey and the Same hath Ready here in Court And the Said Charles Tracey present here in Court is Committed to the Costody of the Sheriffe for Default of Manuaptors there to Remaine untill etc. And hereupon Came into Court David Small in his proper person and undertooke for the Said Charles Tracey that if it Should happen the Said Charles Tracey in the plea aforesaid to be in any manner Lawfully Convicted then he the Said David Small doe grant for himselfe the Debt aforesaid and allsoe all Costs and Damages to the Said Allexander Magruder in any manner by the Court here to be Adjudged to be made and Levyed of his goods and Chattles Lands and tenements to the use of the Said plantiffe if it Should happen the Said Defendant pay not the Debt and Costs aforesaid nor Render his body to the Costody of the Sheriffe for the Same there to Remaine untill etc.

And Whereas the Said Said plantiffe haveing Caused a Cobby of the Declaration aforesaid by by the Sheriffe Delivered to the Defendant at the time of Serving the writt which was Eight dayes before this Court Whereupon the Said plantiffe prayeth that the Said Defendant to his Declaration aforesaid may Answer this Court According to Act of Assembly in Such Cases made and provided etc. Whereupon the Said Charles Tracey in his proper person Cometh and Defendeth the force and Injury when etc. And Saith that he Cannot gainsay the Action of the Said plantife nor but the Said bill or writeing Obligatory is the Deed of the Said Charles Tracey nor but that he oweth the Said Sume of four thowsand two hundred pounds of tobaccoe to the Said Allexander Magruder in forme as the Said Allexander Magruder above against him hath Declared etc.

Therefore it is Considered that the Said Allexander Magruder Recover against the Said Charles Tracey the Sume of four thowsand two hundred pounds of tobaccoe his Debt aforesaid and his Damages by Occation of Deteyning of the Said Debt Six hundred and ninty pounds of tobaccoe to the Said Allexander Magruder of his Assent by the Court here Adjudged And the Said Charles Tracey in mercy etc.

Charletts Administrator plantiffe: Richard Stevens Defendant

The plantiffe by William Stone his Attorney brought his Majesties writt against the Defendant in a plea of Debt for nine hundred and fourteen pounds of good Sound [309] Merchantable Leafe tobaccoe Cleare from trash and ground Leaves and Caske to Containe the Same as by Declaration and bill filed bearing date the 25th day of Aprill Annoque Domini 1692 more at Large Appeareth etc.