August Court 1708

this he brings Suite &c. Philipson pro Quer. Pleg &c. Jno Doe & Richd Roe — And the
aforesd Thomas by his Atty comes & defends ye force & Injury when &c
& Injury wn &c and Craves Oyer of ye Obligation in the aforesd Deed mentioned and it is read
unto him &c he also Craves Oyer of ye Condition of the same obligation And it is read unto
him in these words following Viz the condition of the above obligation is such that if
the bounden Thomas Folley his heirs Exrs Admrs Lawfull Atty or assigns or any of them shall
well well & truly signe a certaine Deed of Conveyance of a tract of Land on Pucahoe
Creek called by ye name of Hamshire that is ye sd Folley by ye sd Deed to make over to the
sd Anthony all his the said Folleys right Title & Interest that he hath or may have
to ye aforesd Tract of Land then the above obligation to be voyde otherwise to remaine in
force power & Vertue

And ye sd Deft by Michael Earle his Atty comes & defends ye force & Injury when &c
& for plea saith true it is ye sd Deft did Seale & delver an obligation to ye sd pltff for the
Summe of Five thousand pds of Tobacco as in the pltffs declaration is set forth but further
the said Deft by protestation saith that the Condition of the said obligation is such that the
said Deft his heirs Exrs Admrs Lawfull Attorney or assigns or any of them shall well well & truly
signe a certaine Deed of Conveyance of a tract of Land on Pucahoe Creek called by the name
of Hamshire that is ye sd Deft by ye sd Deed to make over to ye sd pltff all his the sd Defts
right title & Interest that he hath or may have to ye aforesd tract of Land then ye sd obligation
to be void &c — And ye sd Deft in deed further saith that he always hath been ready & doth
delver ing the aforesd obligation and still is ready to Convey & make over unto ye sd pltff the
aforesd tract of Land according to the true intent & ye aforesd Condition of ye sd obligation Except and
therefore the sd pltff his action aforesd against the sd Deft he ought not to have and
maintaine And therefore prays Judgment of this Court if action &c. Earle pro Deft —

And ye aforesd Anthony by his aforesd Atty for Replr saith that for any thing before alledged
by ye said Thomas in his plea aforesd he ye said Anthony from his action aforesd to have ought not
to be debarred because he saith that he ye sd Thomas was not always ready to Convey & make
over unto the said pltff ye aforesd tract of Land according to the Condition of ye sd obligation but the
same to do hath refused, and ye he prays may be inquired of by ye Country Philipson pro Quer —

But the said pltff not bring at Court nor any Evidence to prove the Matter aforesd alledged
his said Atty is willing to suffer a non Suite without any farther Trayle. o. o. Therefore
it is Considered by the Court here Viz the Twenty Sixth day of August anno
Domi 1708 that the said Anthony Richardson take nothing by his Writt & Deed
aforesd but for his false Clamour he and his pledges of prosecuting be in Mercy and that
the said Thomas Folley goe thereof without day &c and also that the said Thomas
Folley Doe recover against the said Anthony Richardson the Summe of Four
hundred and Twenty one pounds of Tobacco by the Court adjudged him for his
Costs and Charges about his defence in this behalfe laid out and expended according
to the Tenor of the Statute &c —

Jam Smellie Clk