

March Court 1717
unjustly detainis &c. And that he had then and there the said writ &c.

At which said Court viz. the eighteenth day of March the same year last mentioned the day of return of said writ came Simon Wilmer Gent. Hugh Sheriff of said County and made return thereof in these words, being endorsed as follows. Capi. Expus. p. Simon Wilmer Sheriff And a Dec. being filed when said writ issued forth and a copy thereof served thereunto according to Act of Assembly in such case made was as follows viz. Hugh County James Hearn of Kent County planter and Did James Horn of Kent County plant. was summoned to answer unto Nathl. Pearce of plea that he render unto him of just sum of six hundred pounds of good sound merchantable Tobacco with Cask to containe of same of price & value of two hundred Sterling money w. from him he unjustly detainis &c. and thereupon the app. p. by Thomas Bowne his attly. sayth that whereas the app. Deft. the twenty eighth day of Novomber in the year of our Lord Christ one thousand seven hundred & fifteen at Shrewsbury parish in Kent County of within the jurisdiction of this Court by his certain Bill obligatory which he the said Deft. sealed with his Seale and as his deed delivered hereto Court brought the date whereof is the same day & year of bound himselfe his Admors & Assignes to pay or cause to be paid unto the app. p. the app. full sum of six hundred pounds of good sound merchantable Tobacco with Cask to containe the same of the app. price & value of two hundred Sterling money to be paid by the tenth day of October next ensuing the date of the said Bill obligatory yet the app. Deft. hath often required the app. sum of six hundred pounds of Tob. of the app. price & value of two hundred Sterling money to the app. p. hath not paid nor caused to be paid but that to him to render or pay hath hitherto denied and still doth deny & unjustly detainis to the damage of him the said p. twelve hundred pounds of Tobacco and thereupon he brings suite &c. &c.

And the said Deft. came into Court and in his proper person to the app. p. and sayth that he cannot gainsay the Citions of him the said p. nor but that the writing obligatory above mentioned is his Act and deed and that he oweth unto the said p. the app. sum of six hundred pounds of Tobacco and is willing that judgment should be entered for the same and cost thereon accruing therefore it is considered by the Court here viz. this twenty first day of May Anno Domini one thousand seven hundred and seventeen that the app. p. Nathaniel Pearce do recover against the said Deft. James Hearn as well the app. sum of six hundred pounds of Tobacco Debt as also the sum of two hundred and sixty four pounds of Tobacco cost by the app. p. about his suite in this behalfe expended and by the Court here of his assent adjudged and the said Deft. in money

Samuel Smith