

November Court - 1723 -

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hends: according to the form of the Statute and Indent. to be on the return of this Court

At which said next Court to wit the Nineteenth day of November and One thousand seven hundred and twenty three Comes again the said party, by their attorneys and the said James Treloar by his attorney and saith that, not with standing the submission aforesaid, says that he cannot pay the plaintiff's account nor but that the writing obligatory aforesaid is his act & deed & that the debt therein mention to thirty three pounds & ten shillings, is just due & unsatisfied, wherefore the said party prays Judgment for the aforesaid thirty three pounds and ten shillings and Costs of Suit to him to be adjudged by reason of the defaulting of the same debt.

Therefore it is considered by the Justice, here the Nineteenth day of November and One thousand seven hundred & twenty three aforesaid that the said George Wilson recover against the said James Treloar as well the sum of thirty three pounds & ten shillings his Debt aforesaid as also the sum of four hundred & eighty pounds of Tobacco by &c. there adjudged unto him for his costs and damages sustained by reason of the defaulting of the said Debt & deposited in money &c.

Whereupon John Scott of Somerset County hends: attorney in fact for the aforesaid George Wilson present here in Court freely remitted and discharged the aforesaid James Treloar from the aforesaid sum of four hundred & eighty pounds of Tobacco Costs of Suit in the Judgment aforesaid, therefore of the same four hundred & eighty pounds of Tobacco the same debt be quiet &c.

It is: Samuel Broughton } Somerset County s^r: Thomas Layfield of Florenty parish in Somerset County hends.

Thomas Layfield - } ad^r: died Thomas Layfield of the province of Maryland and County of Somerset

was summoned to answer unto Samuel Broughton of a plea that he tender unto him the full and Just sum of One thousand Nine hundred and Eight pounds of merchantable Sugar tobacco and Cargue which to him he Oweth and from him he unjustly detaineth &c.

And whereupon the said Samuel by Francis Allen his attorney complains that whereas the said Thomas the twenty seventh day of February and One thousand seven hundred and twenty at the parish and County aforesaid within the Jurisdiction of this Court by his certain Writing obligatory which the said Samuel with the seal of the said Thomas signed here into Court brings the date whereof is the same day & Year did acknowledge himself to be Bound unto the said Samuel in the aforesaid One thousand Nine hundred and Eight pounds of Tobacco to be paid unto the said Samuel when he should be thereto required the said One thousand Eight Nine hundred & Eight pounds of Tobacco to the said Samuel hath not tendered but the same to him hitherto tender hath delayed & the debt deny and unjustly detain whereupon the said Samuel saith that he is worse and hath damage to the value of fifteen hundred pounds of Tobacco and thereupon he brings Suit &c. — Francis Allen s^r: the Learned Judge Judge Ruler Roe —

And the said Thomas Layfield in his own proper person humbly & defendeth the force & injury whereof and prays Leave to imparte here unto with the Court & he hath it & the same day is given to the party aforesaid.

At which said next Court to wit the Nineteenth day of November and One thousand seven hundred & twenty three Comes again the said Samuel Broughton by his attorney aforesaid and prays that the said Thomas Layfield to his Debt in the plea aforesaid may answer, But the said Thomas Layfield altho' solemnly called Comes not but makes default whereby the said party complains against the said debt wholly unsatisfied. Therefore it is considered by the Justice that