

Aug<sup>l</sup> Court. 1726. ----- 166

when <sup>he</sup> and says that he cannot give way the <sup>left</sup> her action <sup>off</sup> nor can he say but that the writing obligatory <sup>off</sup> is his act and deed and that the debt therein mentioned is yett due and unsatisfied wherefore the said <sup>left</sup> prays Judgment for her debt <sup>off</sup> and her costs and damages sustained by reason of the detaining of the same debt to her to be adjudged &c.

Therefore it is considered by the Justices here the Sixteenth day of August and Dow. One thousand Seven hundred and twenty six that the <sup>off</sup> Mary Martin <sup>off</sup> of the said Robert Martin <sup>decd</sup> <sup>as well</sup> the sum of two thousand four hundred and Sixty two pounds of tobacco <sup>off</sup> as also the sum of three hundred & fifty nine ----- pounds of tobacco for her damages which she sustained as well by reason of the detaining of the same debt as for her costs and charges by her about her suite in that part <sup>off</sup> awarded to the same Mary <sup>off</sup> her <sup>off</sup> by the Court here adjudged &c. and the <sup>off</sup> debts in Mary <sup>off</sup>

The same } Somersett } Jacob Couch late of Somersett County planter ad. Dick  
of } } Jacob Couch of the County ad. Planter was summoned to answer unto Mary  
Jacob Couch } Martin <sup>off</sup> of the testament & last wife of Robert Martin <sup>decd</sup> of a plea that he tender unto her the sum of eleven hundred & thirty four pounds of tobacco which from her he unjustly detains &c.

And whereupon the same Mary by Lewis Gale her attorney saith that whereas the <sup>off</sup> Jacob the thirteenth day of May bound and one thousand Seven hundred & twenty four at Somersett County ad within the Jur of this Court by his certain writing obligatory which the same Mary sealed with the Seal of the <sup>off</sup> Jacob here into Court brings granted himself to be held and firmly bound unto the <sup>off</sup> Robert Martin in his life time in the <sup>off</sup> sum of eleven hundred & thirty four pounds of tobacco to be paid the same <sup>off</sup> his <sup>off</sup> ad <sup>off</sup> or assignes when after <sup>ways</sup> <sup>decd</sup> Jacob should be there to required yett the <sup>off</sup> Jacob the <sup>off</sup> of ten there to required the <sup>off</sup> sum of eleven hundred & thirty four pounds of tobacco to the same Robert in his life time or the <sup>off</sup> Mary since his Death hath not tendered but the said Jacob the same rather to todo hath altogether Doubted & still doth deny to pay damages of the same Mary three thousand pounds of tobacco & thereof she brings this Suite &c. & the same same Mary brings here into Court the Letters testamentary &c. by which &c.

And the said Jacob Couch in his own proper person comes and defends the force and Injury when <sup>he</sup> and says that he cannot give way the action <sup>off</sup> nor but that the writing obligatory <sup>off</sup> is his act and deed, nor but that he Owe the <sup>off</sup> Mary the <sup>off</sup> eleven hundred and thirty four pounds of tobacco as the <sup>off</sup> Mary by her declaration <sup>off</sup> against him hath declared &c.

Therefore it is considered by the Justices here the Sixteenth day of August and Dow. One thousand Seven hundred and twenty six