

Novemb Court . . . 1726 . . . . . 190

265

by way of attachment against the goods chattels and credits of the said Thomas Brown according to act of assembly in such case made and provided &

J. C. Simon Esq. Exor of Nicholas M<sup>r</sup> Vander

John Haynes & Richard Arkworth

Somerset p. John Haynes and Richard Arkworth Planters ad<sup>o</sup> dict. John Haynes of Dorset and Richard Arkworth of Somerset County planter were summoned to

Answer unto Simon Kellouk Executor of the last will and testam<sup>t</sup>.

of Nicholas M<sup>r</sup> Vander late of the County of Sussex on Delaware Ye<sup>r</sup>. de<sup>d</sup>. of age that they render unto him twelve hundred pounds of good sound Merchantable Leaf Tobacco in Cask to contain the same which from him they unjustly detain &

And whereupon the same Simon by Joseph Cumberston his attorney saith that whereas the afd John Haynes and Richard Arkworth the twenty second day of June and D<sup>o</sup>. One thousand Seven hundred and twenty two at Somerset County within the Jurisdiction of this Court by their certain writing obligatory granted themselves to be held and firmly bound unto y<sup>e</sup> afd Nicholas in y<sup>e</sup> afd quantity of twelve hundred pounds good sound Merchantable Leaf Tob<sup>o</sup>. to be paid y<sup>e</sup> said Nicholas one some convenient Landing Never the less y<sup>e</sup> afd J<sup>r</sup>. Haynes & Richard Arkworth altho often thereto (in y<sup>e</sup> Lifetime of y<sup>e</sup> S<sup>r</sup>. Nicholas & since his Death by y<sup>e</sup> said Simon & y<sup>e</sup> afd) required y<sup>e</sup> afd quantity of Twelve hundred pounds Tob<sup>o</sup>. or any part thereof to y<sup>e</sup> same Nicholas in his Lifetime nor since his Decease to y<sup>e</sup> said Simon afd have not rendered but they each of them y<sup>e</sup> same hitherto to y<sup>e</sup> afd Nicholas in his Lifetime afd since his Decease to y<sup>e</sup> afd Simon to render have altogether Denied & Still doe deny & unjustly detain whereby y<sup>e</sup> same Simon & y<sup>e</sup> afd says he is worse & hath Damage to y<sup>e</sup> value of Twelve hundred p<sup>o</sup>. of good Merchantable sound Leaf Tobacco in Cask to contain y<sup>e</sup> same & thereof he brings this Suite & y<sup>e</sup> said Simon brings herewith Court<sup>y</sup> Writing Obligatory afd

Jos. Cumberston ff. Qu<sup>e</sup>r. pledges & J<sup>r</sup>. Doe

And the afd Richard Arkworth in his proper person comes and defends the force and Injury where<sup>o</sup>. and says that he cannot gainsay but that the bill or writing obligatory afd is his act and deed; nor but that he detained from the afd Simon Kellouk Ex<sup>r</sup>. of the same Nicholas M<sup>r</sup> Vander the afd twelve hundred pounds of Tob<sup>o</sup> in manner and form as the afd writ above against him complained -

Therefore it is considered by the Justices here the fifteenth day of Novemb. and D<sup>o</sup>. One thousand seven hundred and twenty six that the afd Simon Kellouk Executor of the same Nicholas M<sup>r</sup> Vander Recover against the afd Richard Arkworth