

August Court ----- 1725 --- 61

to him to Render hath altogether denyed & Shee doth deny and unjustly detain whereby the same John
says he is worse and hath damage to the value of fifty pound. Curr. Money & there of he brings this
Suite &c. I hale the Court. Cledges & Indoe R. Roe
and the same Indoe brings here in to Court of writing Obligatory apd &c. by which &c.

And the apd Merick Ellis in his own proper person comes and defend. the force of Injury
where &c. and says that he cannot give way the apd his action apd against him brought nor can he say but
that the Writing Obligatory apd is his act and deed and that the debt therein mentioned is yett due & un:
satisfied wherefore the said apd prays Judgment. for the debt apd and his Costs and Damages Sustained
by Occasion of the detaining of the same debt &c.

Therefore it is considered by the Court here the seventeenth day of August
ann. Dom. One thousand Seven hundred & twenty five that the apd John Jordan Recover against the apd
Merick Ellis as well the sum of forty five pound. Curr. money of Maryland his debt apd as also the Sum.
(290) of Two hundred and ninety — — — pound. of Tobaco for his Costs and Damages Sustained by
Occasion of the detaining of the same debt to the same apd by his apd by the Court here ad judged &
the apd Dofh in mercy &c.

I. Mary Martin Esq. } Somerset p. Tobias Burke late of Somerset County Glouster esq.
of Robert Martin —

apd Tobias Burke of the County of Glouster was summoned to answer unto
Mary Martin Executrix of the last will and Testament of Robert Martin Esq.

of plea that he tender unto her thirteen hundred & forty six pound. of Tobaco which from her
he unjustly detain &c. — And whereupon the same Mary by Lewis Gale her attorney complains
that whereas the apd Tobias the seventh day of June ann. Dom. Seventeen hundred and twenty four at
Somerset County apd within the Jurisdiction of this Court by his certain Writing Obligatory granted
himself to be hold and firmly bound unto the apd Robert Martin in his Life time in the general sum of
thirteen hundred and forty six pound. of Tobaco. to be paid the said Robert Martin his heirs Executors
adms. or assigns when afterwards the said Tobias should be thereto Required Nevertheless the said
Tobias tho' often thereto Required the apd sum of thirteen hundred and forty six pound. of Tobaco. to the
same Robert Martin in his Life time or to the apd Mary since the death of the same Robert hath not
Rendered but the said Tobias the same hitherto, to the same Mary to Render hath denyed and Shee doth
deny and unjustly detain whereby the said Mary says Shee is worse and hath damage to the value of two
thousand pound. of Tobaco. and there of she brings Suite &c. and the same Mary brings here in to Court as
well the Letters Testamentary apd as the writing Obligatory apd &c. I hale the Court Cledges & Indoe R. Roe

Whereupon the said Tobias Burke in his own proper person appears & thereupon has said
(Tobias)