

March Court 1735 155

The said Thomas Mithell prays Judgment for his debt and his damages sustained by reason of the detaining of the said debt.

Therefore it is considered by the Court here that the said Thomas Mithell recover against the said John Bishop his debt and his damages sustained by reason of the detention of that same debt to ³²³ pounds of tobacco to the said Thomas Mithell by the Court hereof his appeal adjudged and the said debt in money.

Edmond Jennings Esq. Somerset & Mathew Hovey Sale of Somerset County plan-
d. Mathew Hovey Otherwise called Mathew Hovey of Somerset County was summoned to answer unto Edmond Jennings Esq. of appt. that he render unto

him Seven hundred pounds of tobacco which to him he owes and unjustly detains & And whereupon the same Edmond by Robert Tenchins Henry his attorney saith that whereas the said Mathew the twenty second day of February in the year of our Lord one thousand seven hundred thirty and three at Somerset County aforesaid within the Jur. of this Court by his certain writing obligatory did acknowledge himself to be held and firmly bound to the same Edmond in the said Seven hundred pounds of tobacco to be paid to the same Edmond Jennings when he should be thereunto requested. Nevertheless the said Mathew altho often thereunto requested the said Seven hundred pounds of tobacco to the same Edmond he hath not as yet rendered but the same to him hitherto to render hath denied and still doth refuse, and deny wherefore the said Mathew is the worse and hath damage to the value of one thousand pounds of tobacco and thereof he brings suit & brings here into Court the writing aforesaid which the debt aforesaid in form aforesaid doth testify the date whereof is the same day and year aforesaid.

pledged. In doct & Res.

Whereupon the said Mathew Hovey by George Douglas his attorney cometh and defendeth the force and injury when & saith that he cannot gainsay the action aforesaid of the said Edmond Jennings nor can he say but that the writing obligatory aforesaid is the deed of the said Mathew, nor can he say but that he owes the said Edmond the said Seven hundred pounds of tobacco in manner and form as the said Edmond above against him hath declared wherefore the said Edmond prays Judgment for his debt and for his damages sustained sustained by reason of the detaining of the said debt to him to be adjudged &c. Therefore it is considered by the Court here that the said Edmond Jennings

Esq. Recover against the said Mathew Hovey his debt and his damages by reason of the detention of that said debt to One hundred & ninety Six pounds of tobacco to the said Edmond of his appeal by the Court here adjudged & the said debt in money &c.