

August Court 1735 (73)

and defendeth the force and Injury when &c. and saith that he cannot gainsay the action  
of the afd Joseph M<sup>r</sup> Carter nor can he say but that the writing obligatory afd  
is the deed of him the same James Duatermus nor can he say but that he owes  
the afd Joseph M<sup>r</sup> Carter the afd One thousand three hundred and twenty pounds  
of tobacco in manner and form as the afd Joseph M<sup>r</sup> Carter above against him hath  
declared wherefore the same Joseph prays Judgment for his debt afd and his dam-  
ages sustained by occasion of the detaining of the same debt to him to be adjudged &c.  
Therefore it is considered by the Court here that the afd Joseph M<sup>r</sup> Carter recover  
against the afd James Duatermus his debt afd and his damages sustained by  
occasion of the detaining of the same debt to. One hundred & Seventy One  
pounds of Tobacco to the same Joseph of his afd by the Court here adjudged  
and the afd James in mercy &c.

Rt Capt. David Wilson } Somerset County J<sup>ts</sup> John Bozman senior late of Somerset  
County Blanter otherwise called John Bozman Jun<sup>r</sup> of Somers-  
set County in the province of Maryland was summoned to answer  
unto David Wilson Deputy Surveyor of Somerset County in plea that he tender unto him the  
quantity of fifteen hundred pounds of good sound merchantable tobacco which to him he ow-  
eth and unjustly detaineth &c.

And whereupon the same David by Robert Jenkinis Henry his attorney saith that  
whereas the afd John the eighth day of February in the year of our Lord One thou-  
sand Seven hundred thirty and four at Somerset County aforesaid within the Jurisdiction  
of this Court by his certain writing obligatory did acknowledge himself to be held and  
firmly bound unto the same David in the aforesaid fifteen hundred pounds of good  
sound merchantable Tobacco to be paid to the same David when he should be thereunto  
afterwards requested Nevertheless the aforesaid John altho often thereunto reques-  
ted the aforesaid fifteen hundred pounds of tobacco unto the same David he hath not  
as yet tendered but the same to him hitherto to tender hath refused & still refuse and  
deny wherefore he saith that he is the worse and hath damage to the value of two  
thousand pounds of tobacco and thereof he bringeth suit &c. and bringeth here into Court  
the writing afd which the debt afd in form afd doth testify whose date is the same day &  
year aforesaid &c. pledges &c. John Doe & Richard Roe

Whereupon the said John Bozman Senior by George Douglas his attorney cometh and  
defendeth the force and Injury when &c. and saith that he cannot gainsay the action  
of the afd David Willson, nor can he say but that the writing obligatory afd  
is the deed of him, the same John Bozman, nor can he say but that he owes the  
aforesaid David Willson, the aforesaid fifteen hundred pounds of tobacco in manner  
and form as the aforesaid David Willson, above against him hath declared wherefore  
the same David prays Judgment for his debt afd and his damages sustained  
by occasion of the detaining of the same debt to him to be adjudged &c.  
Therefore