

W^{ch}. John Kenny - Somerset County fr. John Wetherby late of Somerset County Gentlemen
C^t. John Wetherby - otherwise called John Wotherby of Somerset County Gent. was summoned

to answer unto John Kenny of the same County planter of a plea that he renders unto him the sum of eighteen thousand pounds of good sound Merchantable tobacco and Cash which unto him he swells and unjustly detaineth &c.

And Whereupon the same John Kenny by William Goldborough his attorney saith that whereas the a^{ft}. John Wetherby the twenty second day of August Anno Domini seventeen hundred thirty and four at Somerset County a^{ft}. by his certain writing obligatory had granted himself to be bound unto the a^{ft}. John Kenny in the a^{ft}. sum of eighteen ^{thousand} pounds of good sound Merchantable tobacco and Cash to be paid unto the a^{ft}. John Kenny when thereof afterward he should be required Never theless the a^{ft}. John Wetherby altho. often required the a^{ft}. sum of eighteen pounds of good sound merchantable tobacco and Cash unto the a^{ft}. John Kenny yet hath not paid but that unto him hitherto to pay altogether hath refused and still doth refuse to the damage of the same John Kenny twenty thousand pounds of like tobacco and Cash and therefore he brings this suit &c. and brings here into Court the writing obligatory a^{ft}. which the debt a^{ft}. in form a^{ft}. testifies the date whereof is the same day and year a^{ft}. &c. . . Pledges &c. J. Doe & R. Roe.

And the a^{ft}. John Wetherby by Charles Goldborough his attorney someth did defendeth the force and Injury when &c. and saith that he cannot deny the action a^{ft}. of the a^{ft}. John Kenny nor but that the writing obligatory a^{ft}. is the deed of the same John Wetherby nor but that he swells the same John Kenny the a^{ft}. eighteen thousand pounds of good sound Merchantable tobacco and Cash in manner and form as the a^{ft}. John Kenny above against him declared. Therefore it is considered that the a^{ft}. John Kenny recover against the a^{ft}. John Wetherby his debt a^{ft}. and his damages by occasion of the detention of the

272 same debt to:
pounds of tobacco to the same John ^{Kenny} & his a^{ft}. spent by the Court here adjudged
and the a^{ft}. John Wetherby in mercy &c.

