

his heirs executors administrators firmly by those presents notwithstanding which the said John Ugate the Said Summe of One thousand eight hundred twenty & eight pounds of tobacco according to his Said writeing Obligatory hath not paid though often thereunto required but the Same to pay hath hitherto denyed and Still doth altogether deny to the damage of the Said James three thousand pounds of tobacco & thereupon he bringeth his Suite. Liber M M

And the said John Ugate by Robert Carville his Attorney doth come and defend the force and injury when &c and prayeth heareing of the Said writeing Obligatory and it is read unto him he prayeth also heareing of the Condition of the Said writeing and it is read unto him in these words The Condition of this Obligation is Such that if the abovebounden John Ugate Cooper doe well and truly pay or cause to be well and truly paid unto Captaine James Neale his heirs or assigns the full and just qauntity of nine hundred and fourteene pounds of good Sound merchantable leafe tobacco in caske upon demand at my now dwelling plantation in S^t Maries County or that then this Obligation to be Void or of none effect otherwise to Stand remaine and be in full power force & Virtue.

Which being read and heard the Said John Saith that the Said James ought not to haue his action aforesaid against him because he Saith that he hath well and truly performed the Condition of the Said writing Obligatory and paid unto the Said James the Said Summe of nine hundred and fourteene pounds of tobacco in the condition of the said writeing Obligatory mentioned according to the forme and effect of the Condition of the said writeing Obligatory and this he is ready to averr whereupon he demands judgm^t whether the aforesaid James Ought to have his action aforesaid against him.

And the aforesaid James Saies that he by any thing before alleadged ought not to be debarred from haveing his action aforesaid for that he Saith that the aforesaid John Ugate hath not performed the Condition of the Said writeing Obligatory nor paid unto the Said James the said Summe of nine hundred and fourteen pounds of tobacco in the condition of the Said writeing Obligatory as the aforesaid John hath above alleadged and this he is ready to averr whereupon he demands judgment and his debt aforesaid together with his damages to be adjudged to him. p. 180

And the Said John Saith that he hath performed the condition of the Said writeing Obligatory and paid the Said nine hundred and foureteen pounds of tobacco to the Said James as by his plea he hath alleadged and of this he putts himselfe upon the Country and the plaintiff likewise therefore it is Comanded the Sheriff of S^t Maries County that he cause to come here twelve &c who aswell &c to recognize &c.

Att which day to witt the Sixteenth day of April in the two and