

Liber M M

plea that he render unto him the summe of sixteen thousand pounds of tobacco which to him he oweth and unjustly deteineth

And whereupon the said William by Kenedy Cheseldyn his Attorney saith that whereas the said John the One and twentieth day of march in the yeare of our Lord 1671 did by his certaine writeing Obligatory sealed with the seale of the said John here in Court produced whose date is the day and yeare abovementioned acknowledge himselfe to Owe and stand indebted unto the said William Gittings of London Gent in the full and just Summe or quantity of Sixteene thousand pounds of good Sound merchantable tobacco in caske to be paid to him or to his certaine Attorney to the which payment well and truly to be made the said John did bind himselfe his heirs executors and administrators firmly by these presents Notwithstanding
 p. 219 which the said John Gittings though often thereunto required the said summe of sixteen pounds of tobacco to him the said William hath not paid but the same to pay hitherto hath denyed and Still doth altogether deny whereupon the said William Saith he is worse and damage hath to the value of five and twenty thousand pounds of tobacco and thereupon he bringeth his suite.

And the said John Gittings by George Parker his Attorney doth come and defend the force and injury when &c and prayeth heareing of the said writeing 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 the abovementioned Obligation is such that if the abovebounden John Gittings doe well and truly pay or cause to be paid unto the abovenamed William Gittings the full and just summe or quantity of eight thousand pounds of good merchantable tobacco in caske at two payments Vizt foure thousand pounds thereof at or upon the last of December next ensuing in some convenient place in Petuxent River and the other foure thousand the last of December next (next) following which will be in the yeare 1673 without fraud or covin then this Obligation to be void and of none effect or else to stand and remaine in full force and virtue. which being read and heard the said John Saith that as to five thousand pounds of tobacco the remainder of the said summe of eight thousand pounds of tobacco in the declaration of the said William aforesaid mentioned he hath nothing to say in barr Whereby the said William remaineth against the said John for the said summe of five thousand pounds of tobacco herein undefended.

Therefore it is Considered by the Court here that the said W^m recover against the said John the said Summe of five thousand pounds of tobacco and also three hundred and forty pounds of tobacco for his cost and charges in this behalfe laid Out and expended but execution is hereby Stayed untill the last day of October next.