

detaining of the debt aforesaid and costs of Suite Against which judgem^t James Mills Ex^r of the last Will & testam^t of the said Samuel Boston peticoned this Court to be relieved, alleadging that he could prove paym^t thereof. Liber N N

Afterwards to witt the ffifteenth day of June in the third yeare of his Lordpps Dominion &c Annoq̄ Doni 1678 came the said James Mills in his proper person & proved payment of the aforesaid pretended debt of Nineteen hundred & fiue pounds of tobacco Therefore itt is considered that the judgem^t aforesaid be revoaked adnulled & altogether held for nothing

William Burges }
 agst }
 Rob^t ffrancklyn } Robert ffrancklin late of Ann Arundell County
 otherwise called Robert ffrancklin of Ann Arundell
 County in the Province of Maryland gent^l was
 Sumoned to answer unto Colonell William Burges
 of a plea that he render unto him the full Sume & just quantity of
 Seventy & seven thousand pounds of good sound M^rchantable to-
 bacco & caske which to him he oweth & unjustly detaineth

And whereupon the said W^m by Robert Carville his Attorney Saith, that whereas the said Robert ffrancklin upon the tenth day of April Annoq̄ Doni One thousand six hundred seventy eight by his con-
 taine bond or writeing obligatory Sealed with the Seale of him the
 said Robert & here in Court produced whose date is the day & yeare
 abovesaid, did confesse & acknowledge himselfe to owe and stand
 indebted unto the said W^m Burges in the full sume & just quantity
 of Seventy & Seven thousand pounds of good sound M^rchantable
 tobacco & cask to be paid unto the said W^m Burges his certaine At-
 torney his heyres Ex^{rs} Adm^{rs} or assignes att some convenient place
 in the County aforesaid not exceeding halfe a Mile from the water
 side To the which payment well & truely to be made he did binde
 himselfe his heyres Ex^{rs} & Adm^{rs} firmly by those p^rsents Yet not-
 withstanding the said Robert the said sume of Seventy & Seven
 thousand pounds of tobacco to him the said W^m Burges though often
 thereunto requested hath not paid, but the same to pay hath denyed
 & still doth deny to the damage of the said W^m One hundred thou-
 sand pounds of tobacco & thereupon he bringeth his suite p. 671

And the said Robert by George Parker his Attorney cometh & defendeth the force & injury when &c and prayeth the hearing of the said writeing obligatory & itt is read unto him, he also prayeth the hearing of the Condition of the said writeing obligatory & itt is read unto him in these words following Vizt The Condition of this Obligacon is such, that if the above bounden Robert ffrancklin his heyres Exec^{rs} Adm^{rs} or assignes or either of them doe well & truely pay or cause to be paid unto the above named Colonell W^m Burges his certaine Attorney his heyres Ex^{rs} Adm^{rs} or assignes the full sume & just quantity of thirty eight thousand foure hundred &