Symon Edwards & Susanna his wife
& John Gyett & Alice his wife late wife
of Samuel Grave dec. Executrix
of Dimitrius Cartwright dec.
vs
Hewlin Lewellyn gent

Memorandum the fourth day of October in the fifth year of the Dominion of
Charles Absolute Lord and Proprietary of this Province & Provincial Court held at the
City of St Marys for the said Right Honble Lord Proprietary Came here into Court
Symon Edwards and Susanna his wife & John Gyett and Alice his wife late
wife of Samuel Grave dec. Executrix & Executors of the Last will and Testament of
Dimitrius Cartwright late of Talbot County Merchant dec. by Charles
Bodkin their Attorney & exhibite their written Bill of Complaint against
Hewlin Lewellyn gent. one of this Attorneys of this Court here present in Court
& alleadge that he Defendant unto them the Sum of Two Thousand Four Hundred pounds
of good Sound Merchantable Leaf Tobacco in Cask to be shipt on board
vessells

And Whereupon the said Symon and Susanna his wife & the said John & Alice his wife by Charles Bodkin
their Attorney say That whereas the said Hewlin Lewellyn upon the first and Twentyth day of May
in the year of Our Lord God 1679 by his obligatory bearing date with the date of these Presents
Hewlin aforesaid in Court produced whose date is the day and year first above written did owe and was
indebted unto Dimitrius Cartwright aforesaid the Just and true Sum of Two Thousand Four Hundred pounds
of good Sound Merchantable Leaf Tobacco in Cask to be paid at Some convenient place in Patuxent
River upon Demand unto him the said Dimitrius Cartwright his Heirs Executors Assigns or Assignes To
the which Payment well and truely to be made the said Hewlin Lewellyn did bind himself his Heirs Executors
and Assigns firmly by these Presents & Nevertheless the said Hewlin Lewellyn the said Sum of
Two Thousand Four Hundred pounds of Tobacco though often thereunto required unto the said
Dimitrius Cartwright in his life time hath not paid Nor unto the said Symon Edwards and
Susanna his wife Nor unto the said Samuel Grave nor Alice his wife in the Lifetime of the
said Samuel Nor unto the said Alice after the death of the said Samuel which She was Sole
Nor unto the said John Gyett and Alice his wife since their Marriage Nor unto any or either
of them To which said Susanna and Alice Executrix of the Testament aforesaid by the said Both
Judge for Probate of wills and Testaments and granting Administrations within this Province
hath been sworn But the said Two Thousand Four Hundred pounds of Tobacco hitherto to pay
hath denyed and still doth deny Whereupon the said Symon and Susanna and the said John &
Alice say they are Damnified & have Right to the value of Three Thousand pounds of Tobacco
And thereupon they bring their Suite, And that it may appear to this Court here That
the said Susanna and Alice are Executrix of the Last will & Testament of the said
Dimitrius Cartwright and there of to have Execution Thereupon & Testamentary they have
bring into Court

And the said Hewlin Lewellyn by Thomas Hyatt his Attorney cometh and defendeth the force &
injury when &c and Prayeth Liberty to imparle hereunto which is of Provincial Court &
is granted unto him the same day is given to the Plaintiffs Likewise

Now Here at this day to wit the fourth day of March in the Twenty sixth year of the Dominion of
the Right Honble Charles Lord Baltimore &c Anno Dom 1681 came the said parties by their
Attorneys aforesaid. and the said Hewlin Lewellyn by his said Attorney Says That the
Symon Edwards and Susanna his wife & John Gyett & Alice his wife late wife of Samuel
Grave deceased Executrix of the Last will & Testament of the said Dimitrius Cartwright
ought not to have their Action aforesaid against him the said Hewlin Ought not to have For that he
Saith That he the said Hewlin the Sum of Two Thousand Four Hundred pounds of Tobacco in
the said writing Obligatory mentioned did Satisfy and pay unto the said Dimitrius Cartwright
in his life time according to the Tenor of the said writing Obligatory & That he is ready to
aver & prove his Argument whether the said Symon Edwards & Susanna his wife & John
Gyett & Alice his wife late wife of Samuel Grave deceased Executrix of the Last will
& Testament of the said Dimitrius Cartwright deceased their action against him ought to have

And

And the said Executrix by their said Attorney say That by any thing above alleadged of their action aforesaid
they ought not to be barred Because they say That the said Hewlin Lewellyn the said Sum of Two
Thousand Four Hundred pounds of Tobacco hath not paid in manner and forme as the said Defendt
above hath alleadged, and this they pray be inquired of by the Country, Which Defendt likewise

But it therefore Commanded the Sheriff of St Marys County that he Cause to come here twelve &c by
whom &c and who neither &c to Inquest &c because as well &c

At which said fourth day of March in the year aforesaid came the said Parties by their Attorneys
aforesaid. and the Jurymen by Law called likewise came to wit, John Addison Daniel Clocker
Joshua Guibert. John Welsh. Thomas Bowdle, John Hollins. Thomas Wynne. Robert Graham. Samuel
Ellis, John Stone, William Guibert & Thomas Courtney. Who being Elected tryed and sworn to say the
truth in the premisses Upon their Oaths do say. That the said Hewlin Lewellyn the said Sum of
Two Thousand Foure Hundred pounds of Tobacco in the said writing Obligatory mentioned did
satisfy and pay unto the said Dimitrius Cartwright in his life time according to the Tenor &
the said writing Obligatory And further do find & Consider that the said Symon Edwards and
Susanna his wife and John Gyett and Alice his wife Executrix as aforesaid take nothing by their
writ aforesaid. But be in Mercy for their false Claim thereupon, and that the said Hewlin Lewellyn
go thereof without day &c

John Baker
agt
Daniel Carnell

Daniel Carnell late of Talbot County gentl was Attached to answer unto John Baker
of a plea of Trespass &c of the Case

And whereupon the said John Baker by Robert Ewgley his Attorney complaineth That Whereas the said
Daniel the Eighth day of March 1679 being Justly indebted unto the said John in the Sum of Two Thousand Three
Hundred pounds of Tobacco for diverse goods and Merchandizes to him the said Daniel by the said John at his
Speciall instance and request sold and delivered, In Consideration
whereof the said Daniel did Assume upon himself and to the said John did then and there faithfully promise
that he the said Daniel him the said John the said Sum of Two Thousand Three Hundred pounds of Tobacco when
thereunto required would well and truely content & pay, Yet Never the less the said Daniel his promise and
Assumption aforesaid made not regarding, but devising and fraudulently intending him the said John in that
behalf craftily and Subtilly to deceive & defraude the said Sum of Two Thousand Three Hundred pounds of
Tobacco according to his promise and Assumption aforesaid hath not paid Although often thereunto required
but the same to pay hath denyed and still doth deny to the Damage of the said John Four Thousand
Six Hundred pounds of Tobacco And thereupon he bringeth his Suite

And the said Daniel Carnell by Robert Carvile his Attorney cometh and Defendeth the force & injury
when &c and prayeth Liberty to imparle hereunto unless &c Provincial Court and it is granted unto
him the same day is given to the Plaintiff Likewise

Now Here at this day to wit the Sixth day of March in the Twenty sixth years of the Dominion of the Right
Honble Charles Lord Baltimore &c Anno Dom 1681 came the said parties by their Attorneys aforesaid
and the said Daniel Carnell by his said Attorney Sayth That the said John Baker hath action aforesaid against
him ought not to have. Because he Sayth That the said John after the said Sixth day of March 1679 in the
Declaration mentioned on the day in the same supposed his said Debt mentioned to the said John the Sum
of Two Thousand Three Hundred pounds of Tobacco, That is to say upon the Twenty sixth day of March
in the year of Our Lord 1679 aforesaid by his writing and his Name & Seal in Court produced did acknowledge
to have Received of the said Daniel Carnell the Sum of Five Thousand Three Hundred and fifty pounds of Tobacco
in full of all bills bonds dues debts & demands whatsoever from the Beginning of the World until that day
and that he is ready to aver which for his Demands Judgment if the said John his action aforesaid
against him ought to have Prosecuted of receipt & requital ought to have; Whereupon the said John Baker
refuseth to make any further Prosecution against the said Daniel Carnell in the Plea aforesaid Therefore
it is Considered by the Court here That the said John Baker take nothing by his writ aforesaid but be in
Mercy for his false Claim thereupon & That the said Daniel Carnell go thereof without day. and that the said
Daniel Carnell Recover against the said John Baker the Sum of Nine Hundred Thirty & three pounds of Tobacco
for his Costs & Charges by him about his Defence in this behalf Laid out & expended & the said Daniel may have
thereof Execution