Humphry Warren ag. John Atwellin — Maryland ffs.

John Atwellin late of St. Marie's County Gent otherwise called John Atwellin of the City of St. Marie's in the County of St. Marie's was summoned to answer unto Capt. Humphrey Warren of a plea — Che he render unto him the full and just quantity of five thousand five hundred and fifty pounds of good sound merchantable leaf tobacco and cask to contain it which he owes him and unjustly detains etc.

And whereupon the said Humphrey by William Stuthis Attorney says that whereas the said John the fifteen day of March in the yeare of our Lord 1682 at Pitawaxen in Charles County by his certaine bill obligatory which the said Humphry with the seale of the said John signed bringeth here into Court to be the date whereof is the day and yeare aforesaid obliged himselfe to be bound to the said Humphrey in the full and just quantity of four thousand five shillings five pounds sterl to be paid in ready money or good and sufficient bills of exchange at or before the ten th day of November next ensuing the date of the said bill or in default thereof the said full and just quantity of five thousand five hundred and fifty pounds of good sound merchantable leaf tobacco and cask to contain it to be also paid to the said Humphrey at or before the said tenth day of November next ensuing the date of the said bill — to be imported in Charles County aforesaid to the owner payment well and truly to be made the said John bound himselfe firmly by the said bill — And the said Humphrey in fact says that the said John did not render and pay to the said Humphrey the said 5550 lb. sterl upon or before the said tenth day of November next ensuing the date of the said bill in ready money or good sufficient bills of exchange owing to him before or upon the same day ought to have paid according to the form and effect of the said bill obligatory. But the said John made default — whereby action hath accrued to the said Humphrey to require and have of the said John the full just quantity of 5550 lb. of good sound merchantable leaf tobacco cask to contain it which the said John 5550 lb. of tobacco cask to contain it altho often required the said same to the said Humphrey hath not rendered but hath therein denyed and still doth deny to the damage of the said Humphrey of 7000 lb of tobacco cask there of he brings his suit etc.

And the said John Atwellin by Anthony Underwood his Attorney confesses and defends the force and injury when etc. and prayeth liberty to imparle thereon to which the deft provincial Court and it is granted by and the same day given to the pltf also —

Now here at this day to wit the fifteen day of December anno 1683 — by the same the said parties by their Attorneys aforesaid and it appeared to the Court here that there remained due to the said Humphrey Warren the sum of three thousand five hundred thirty and four pounds of tobacco remainder of the bill aforesaid and forbearance of the same whereupon it is considered by the Court here that the said Humphrey Warren do recover ag. the said John Atwellin a debt the sum of of tobacco principal and interest and also the sum of pounds of tobacco cost of suit and the deft in mercy etc.

The Lord Baltimore pltf — Maryland ffs.

Thomas Grimwin ag. — Thomas Grimwin late of St. Marie's County Gent summoned to answer unto the Rt. honble Charles Lord Baltimore of a plea that he render unto him the sum of three hundred pounds of lawfull current money of England owing to him he owes and unjustly detains etc. —

And whereupon the said Lord Baltimore by Robert Carvile his Attorney says that whereas the said Thomas upon the 27. Day of January in the yeare of our Lord 1685 at Patuxen in Calvert County by his certaine bond or writing obligatory sealed with the seale of him the said Thomas owned in Court produced whereof the date is the day and yeare aforesaid did acknowledge himselfe to be holden and firmly bound to the said Charles Lord Baltimore in the full just sum of three hundred pounds of lawfull current money of England to be paid to the said Lord Baltimore his heires Exors Admrs or assigns yearly at or within the said Thomas the said sum of 500 lb. to him the said Lord Baltimore therein after mentioned requisite, hath not payd or satisfied but the same to him to pay hath hitherto altogether denyed and refused and still doth deny to pay the same to the damage of him the said Lord Baltimore 500 lb. sterl and thereupon he brings his suit —

And the said Thomas Grimwin in his proper person comes and defends the force and injury when etc. and prayeth the hearing of the writing obligatory aforesaid and it is read unto him he also prayeth the hearing of the condition of the said writing obligatory and it is read unto him in these words the condition of the above obligation is such that if the above bounden David Gretchell shall during his stay in this province this present voyage be of good behaviour and carry all that himselfe towards his Lordship the Lord Proprietary of this province and to all other the good people thereof and shall not depart this province with the said ship until he hath given a true and perfect account of the full number of hogsheads of tobacco and also the just quantity of bulke tobacco to be loaden on board the said ship this present voyage of the growth of this province & shall well & truly pay or cause to be paid unto the Rt. hon. Charles Lord Baltimore abovementioned or to his certaine Attorney or Attorneys or Collector or Collectors for the time being the impostion of two shillings sterl for every hogshead of tobacco of the growth of this province which shall be loaden on board the said ship to be exported out of this province this present voyage & shall generally for a better quantity the payment of which impostion to be therewith all and singular the officers fees and other incidents charges for entering and clearing the said ship here to be made in money sterling in England & by good & sufficient bills of exchange there to be accepted and duly and truly payd according to the tenor of the same or in this province in good sound merchantable leaf tobacco cask to contain it or in other goods wares or merchandizes at the rate of the said Lord Baltimore or his certaine Attorney or Attorneys Collector or Collectors for the time being elect whether if the said David Gretchell shall duly & truly clear his said ship with the Governor of this province or some other person or officer thereunto authorized and appointed and have procured a dispatch for the same & in this present obligation to be void and of no effect & otherwise to stand in remaine & be in full force and power & vertue —

Which being read & heard the said Thomas Grimwin says that he cannot gainsay the action aforesaid of him the said Charles Lord Baltimore because he owes to the said Charles Lord Baltimore the said 500 lb sterling in form and the said Charles Lord Baltimore above therefore against him the said declared —

Therefore it is considered by the Court here that the said Charles Lord Baltimore should recover ag. the said Thomas Grimwin the aforesaid 500 lb lawfull current money of England together with 645 lb. of tobacco cost of suit and the said Thomas therefore in mercy etc. —