Gilbert in fact say the that the food due by law to the several officers aforesaid in the said three accounts mentioned ag 2000 as aforesaid amount to the summe of Seaven hundred and one pounds of tobacco as by a perticular account of the said officers fees here in Court produced may more fully appeare and the said Gilbert in fact say the further that the aforesaid summe of 1701 lb of tobacco offiers fees due by law the said Garrett altho often thereunto required by him the said Gilbert did not pay or discharge the said attorney of him the said Gilbert according to his promise & assumption for that he the said Gilbert was compelled to pay the said aforesaid account of 1701 lb of tobacco to the several officers aforesaid due by law yet notwithstanding the sd Garrett the said summe of 1701 lb of tobacco to him the sd Gilbert to repay hath denyed or any other satisfaction to him the said Gilbert to make hath refused and still doth refuse so that he the said Garrett him the said Gilbert in this behalfe hath most falsely & fraudulently deceived and defrauded to the damage of him the said Gilbert 4000 lb of tobacco and therupon he brings his suit &c.

Curberbili ag. Vanfuttringen Decem: 1692

A Copy of cost of three accons in prob. Court

To 3 Capias at 28	84
To sheriffs Fees	60
To 3 Capias	84
To their fees	105
To fees 3 Reds 48 ff 3 Reds	144
To Court fees 3 Barrons	29
To Attorneys fees in the 3 Barrons	1200
Philip Clarke	1701

Note here at this day to wit the Seaventh day of October anno dni 1696 came the said Gilbert Curberbili by his Attorney aforesaid and the said Garrett Vanfuttringen by George Slatter his Attorney likewise came and the said George say he is not by the said Garrett informed of any matter sufficient to plead in barr or abeyance of the action of the plt brought as aforesaid whereupon it is considered by the Court here that the said Gilbert Curberbili do recover against the said Garrett Vanfuttringen as well the summe of Seaven hundred & one pounds of tobacco damages on occasion of the breach aforesaid as also the summe of Five hundred & nineteen and Seaven pounds of tobacco cost of suit by him in this behalfe expended with his damages &c. —

Benjamin Stringer late of Somerset County in Maryland was attached to answer unto Elizabeth Blakiston administratrix of all & singular the goods & chattels of Nehemiah Blakiston of a plea of trespass upon her

And whereupon the said Elizabeth by Philip Clarke her Attorney complaineth that whereas in the life time of the said Nehemiah to wit the fourteenth day of December in the yeare of our lord 1692 at the City of St Maries aforesaid in the County aforesaid by a writing obligatory then made by him the said Benjamin did then & there acknowledge and acknowledge in writing or sealed the said Benjamin then & there did acknowledge himself to be indebted unto the said Nehemiah Blakiston the summe of Eight thousand pounds of tobacco and therefore the said John Mercklin would allow the said summe of Eight thousand pounds of tobacco to him the said Benjamin as a discount and deduction out of the said Benjamin's debt due to him the said John in consideration thereof the said Benjamin did then & there assume upon himself & to the said Nehemiah did faithfully promise to pay the aforesaid summe of Eight thousand pounds of tobacco to him the said Nehemiah when thereunto required and the said Elizabeth in fact say that the said John Mercklin did allow of discount & discharge the said Benjamin for the said summe of 8000 lb of tobacco out of the said Benjamin's debt due to him the said John yet notwithstanding the said Benjamin according to his promise & assumption aforesaid made the said summe of 8000 lb of tobacco to the said Nehemiah in his life time did not render or pay the same unto him the said Nehemiah when thereunto required nor to the said Elizabeth after the death of the said Nehemiah to whom administration of all & singular the goods & chattels of the said Nehemiah in due form of law was committed thereof on the said day to him the said Nehemiah thereunto required by her the said Elizabeth to wit the Eighteenth day of October 1695 and at divers other times & days and times thereunto required but the same to pay hath refused & still doth refuse to the damage of her the said Elizabeth Sixteen hundred pounds of tobacco and therupon she brings her suit &c.

And the said Elizabeth brings here into Court her Letters of administration whereby it may appeare to the Court she is her administratrix &c. —

And the said deft by John Mercklin his Attorney comes in to Court and defendeth the force & injury when &c. and for plea he say the that he hath fully satisfied the said debt sued for in the plte and therof he puts himself upon the Country — And the plff also —

Therefore command was thereupon given to the Sheriff of Somerset County that he should summon twelve discreet men of his County by whom the truth of the matter may better be enquired into and he the said Sheriff returned that he had summoned twelve lawfull men of his Bailiwick according as by his writ he was commanded