And the aforesaid Robert Purviance by his attorney aforesaid declared against the aforesaid Bernard O'Neill and William Deakins Junior in the plea aforesaid as follows to wit.

Western shore of Maryland, Montgomery County, to wit.

Bernard O'Neill late of Montgomery County merchant and William Deakins Junior late of the same County merchant were summoned to answer unto Robert Purviance of a plea that they render to him the full and just sum and quantity of thirty seven thousand and forty one pounds of merchantable crop tobacco including four per Cent for Casks which to him the said Robert Purviance they the said Bernard O'Neill and William Deakins Junior owe and from him unjustly detain and so forth.

And whereupon the said Robert Purviance by Archibald Robinson his attorney saith that whereas the aforesaid Bernard O'Neill and William Deakins Junior on the seventeenth day of July in the year one thousand seven hundred and eighty five at Montgomery County aforesaid by their certain bill obligatory did promise to pay unto the aforesaid Robert Purviance and a certain Samuel Purviance since deceased whom the said Robert hath survived in the life time of him the said Samuel by the style and title of Messrs. Samuel and Robert Purviance or order on or before the first day of September next ensuing the date of the said Bill obligatory the aforesaid quantity of thirty seven thousand and forty one pounds of merchantable crop Tobacco including four per Cent for Casks with legal Interest for the same for value received when thereto afterwards they the said Bernard and William should be required according to the tenor and effect of the said bill obligatory of which said quantity of thirty seven thousand and forty one pounds of merchantable Crop Tobacco in the said Bill obligatory mentioned the aforesaid Robert Purviance acknowledges himself paid and satisfied the quantity of nineteen thousand and seven hundred pounds of tobacco part thereof. Nevertheless the said Bernard and William (altho often thereunto required) the quantity of seventeen thousand

thousand three hundred and forty one pounds of merchantable Crop tobacco residue of the aforesaid quantity of thirty seven thousand and forty one pounds of merchantable Crop Tobacco in the aforesaid Bill obligatory mentioned to them the aforesaid Samuel Purviance and Robert Purviance or either of them in the life time of the said Samuel Purviance did not nor did either of them render or pay nor have they the said Bernard and William or either of them since the death of him the said Samuel rendered or paid the same to the said Robert (altho to do the same the aforesaid Bernard and William after the said first day of September to wit on the second day of September in the year aforesaid and often afterwards at the County aforesaid were by them the said Samuel and Robert in the life time of him the said Samuel requested) but the same or any part thereof to them the said Samuel and Robert in the life time of the said Samuel and since his decease to the same Robert to render or pay they the said Bernard and William do and each of them doth still refuse to the damage of the said Robert forty thousand pounds of good merchantable Crop Tobacco and thereof he brings suit and so forth and he brings here into Court the bill obligatory aforesaid sealed with the seals of the aforesaid Bernard and William which testifieth the debt aforesaid in form aforesaid the date whereof is on the same day and year first aforesaid and so forth.

Archd. Robinson Atty for Plff. } John Doe, and
Redges to prosecute } Richard Roe.

Copy of the bill obligatory

We promise to pay Messrs. Samuel and Robert Purviance or order the full quantity of thirty seven thousand and forty one pounds merchantable crop Tobacco including four prCt. for Casks on or before the first day of September next with legal Interest for the same for value recd. as Witness our hands and seals this 17th day of July 1785.

Test Robt. Crawford — Bernard O'Neill (Seal)
Robt. Brooke Beall — Will Deakins Junr. (Seal)

Indorsed

Pay