

Liber M M chantable ffall wines, to be Rackt and full upon the Receipt thereof the said John Quigley did thereby pmise to pay unto the abovenamed ptyes or their ord<sup>r</sup> the sume of One Thowsand Two hundred pounds of good marchantable Tobacco and Casque to be punctually Delivered within thirty dayes after the said ships arivall in Virginia without fraud or further Delay for the Just & true pformance of w<sup>ch</sup> bargaine or contract they severally bound themselves their heires Ex<sup>rs</sup> & Adm<sup>rs</sup> in the sume of five hundred pounds sterling to be leavyed on the pty that shall not pforme that agreem<sup>t</sup> as by the said writing sealed with the seale of them the said John Maltby and John Quigly fully appeareth, and whereas the said John Litchington afterwards to wit y<sup>e</sup> 29<sup>th</sup> day of November aforesayd in the year aforesayd did at the speciall Instance & Request of him the said John Maltby by a certeine writing obligatory whose date is the day & yeare aforesayd for the greater security and true pformance of the said bargaine and agreem<sup>t</sup>, the same John Litchington to y<sup>e</sup> said John Quigley together with the same John Maltby at the request of the same John Maltby graunted himself to be holden to y<sup>e</sup> said John Quigley in the sume of five hundred pounds sterf with condition for the pformance of y<sup>e</sup> said agreem<sup>t</sup>, and himself ag<sup>t</sup> the said John Quigley in pledge put for the same five hundred pounds sterling to be payd to the said John Quigley upon non pformance of y<sup>e</sup> same bargaine, w<sup>ch</sup> said contract so as aforesayd made betweene the said John Maltby and the said John Quigley the said John Maltby principall Debito<sup>r</sup> at the arrivall of y<sup>e</sup> said ship the said fifty pypes of wine according to the Condition did n[ot] deliver but the same to him to Deliver altogether refused, whereby the same John Quigley afterwards to wit the 9<sup>th</sup> day of October in the 41<sup>th</sup> yeare of the Dominion of Caccilius &c Annoq Domini 1672 at the City of St Maryes a certeine plaint ag<sup>t</sup> y<sup>e</sup> same John Litchington before his Lo<sup>pps</sup> Justices of y<sup>e</sup> Provincial Co<sup>rt</sup> leavyed for the sd five hundred pounds by virtu of w<sup>ch</sup> plaint the said John Litchington was by a writ issuing out of y<sup>e</sup> said Provincial Co<sup>rt</sup> retornable the 10<sup>th</sup> day of December to the Sheriff of St Maryes County directed was by the said sheriff arrested for y<sup>e</sup> sd debt of five hundred pounds sterling and by virtu of the same the said 500<sup>l</sup> sterf to y<sup>e</sup> said Quigley payd and gave satisfaction, Therefore

p. 9 nevertheles the same John Maltby though often requested him the said John Litchington ag<sup>t</sup> the said John Quigley for the said 500<sup>l</sup> sterf whereof he put himself pledge ag<sup>t</sup> the same for the same John Maltby hath not acquitted but him to acquit gainesayd, and him hitherto to acquite gainesaithe whereupon the said John Litchington saith he is Damnified and hath Damage to the vallue of five hundred pounds sterling, and thereupon he bringeth his suite.

And the said John Maltby by Vincent Lowe his Attorney cometh and Defendeth the force and injury when &c, and saith that he is