By protestation further saith ye ffd plff Did not work & labour ye ffd Deft but neglected attending & working ye ffd Deft according to ye affd Contract whereby ye ffd Deft by ye means of ye ffd plffs non attendance Did Not Earne any tobo whereby to make Satisfaction to ye ffd plff according to ye affd Contract and therefore the plff his action against ye ffd Deft ought not to have & maintaine and of this he puts himselfe upon ye Country Earle & Deft

Whereupon (after these pleadings &c) Comes into Court ye affd plff & ye affd Deft and prays this Court that they may have ye liberty to putt this Difference to ye award of Coll Thomas Smith here in Court, and his verdict thereon may be remaine a finial & Lawfull Judg (of ffriends) agt ffe. and it is Granted unto them, Hereupon Comes ye ffd Thomas Smith and Judges of ye ffd Gould Springs plff Doe recov agt ye ffd Slann Deft ye Sum of four hundred and fifty pounds of tobo and Each of the ffd parties to pay their one Cost in this behalfe

Therefore It is Considered here by ye Court this 28th Day of August anno Dni 1705 that ye ffd Nicholas Gould Spring Doe recover of ye ffd Benjamin Slann the Sum of four hundred and fifty pounds of tobacco according to ye award affd and noe Cost of Suit —

William Whitehead & William Mackey } Kent County in Maryland } ss

William Mackey late of Kent County affd Carpent otherwise called William Mackey of Kent County Carpenter was Summoned to answ unto William Whitehead of ye Same County plff of a plea if he rend unto him ye Sum of three hundred pounds of tobo Sound & merchantable wch to him he oweth & from he unjustly Detaineth &c

And whereupon ye ffd William Whitehead by Christopher Phillipson his attey Saith that whereas ye affd Wm Mackey ye Sixth Day of octobr anno Dni 1704 att Kent County affd wthin ye Jurisdiction of this Court by his Certaine bill under his hand & Seal whose Date is ye Same Day & year above ffd had obliged himselfe to pay unto ye ffd William Whitehead ye affd Sum of three hundred pounds of tobo Sound and merchantable in Some convenient place in the affd County when he Should be thereunto required Nevertheless ye affd William Mackey altho often required ye affd Sum of 300 lbs unto ye affd William Whitehead he hath not rendd but ye Same to him to rend hath Denied and as yet Doth Deny Whereupon he Saith he is worse & hath Damage to ye value of Dollars like tobacco affd and of this he brings Suit &c and he brings here into Court ye bill affd wch witnesseth the Debt affd in form aforesaid whose Date is the Same Day and year aforesaid &c

Phillipson Q. Plaid. Jn Roe