

August 6th 1707

Tho: Smith Esq^r Commanded it was to y^e. Sheriff of Kent County, y^e. twenty sixth day
of June in y^e. sixth year of her now Maj^{ty}. Raigne That he take
Henry Land Ex^r of Kent County a^{ft}. March^l. late Factor or Agent
for John Smith late of Bithoford in y^e. Kingdom of England deceased and now
de^{ft}. of y^e. last Will & Testament of him y^e. said John if he should be found in his
Baywick and him safe keep so that he have his body before her s^{ts}. Maj^{ty} his
Justices at y^e. next Co^{rt}. to be hold for said County at y^e. Town & Port of Chester to
answer Tho: Smyth of Kent County a^{ft}. Esq^r. of a plea of Trespast upon y^e.
Case And that he have therof y^e. said Writ^{ts} &c.
At w^{ch}. next Co^{rt}. viz^t. y^e. twenty sixth day of August in y^e. year a^{ft}. y^e. day
of y^e. returne of said Writ came Edw: Scott Gent high Sher of y^e. same County
and made returne thereof in these words viz^t.

Non est Inventus Fines Div: Scott Sheriff
But a Short Noate being filed when y^e. Writt issued forth and copy thereof
expressing y^e. Cause of s^{ts}. Accon Est at y^e. last plaw of a boode of s^{ts}. Def^{ts}
according to a certaine Act of Assembly in such case made was as followeth
viz^t.

Tho: Smyth Esq^r of Kent County in Maryland
Henry Land Ex^r of Kent County a^{ft}.
In y^e. Jurisdiction of this Co^{rt}. Did according to y^e. custom of March^l. Shipp on
board a certaine Ship calld y^e. Mary & Hannah of Bithoford bound for said
Bithoford in England & then riding at Anchor in Chester River in Maryland
a^{ft}. in s^{ts}. County (of w^{ch}. Ship went Master for y^e. s^{ts}. Voyage a certaine Edw:
Collins) one hhd of Tobacco then weighing not less than five hundred
fourty & seven pounds W^{ch}. s^{ts}. Tob^o was all of it Superfine and consigned by
y^e. s^{ts}. Tho: unto y^e. s^{ts}. John who in his life time rec^d. y^e. same at s^{ts}. Bithoford and
made noe returns nor satisfaction for y^e. same as y^e. s^{ts}. Tho: is ready to verifie
And for w^{ch}. y^e. s^{ts}. Tho: saith he doth reasonably deserve y^e. sume of twelve pound
Sterling And of this he brings Suite p^{er}. Philipson pro quer

And now here at y^e. s^{ts}. Co^{rt}. viz^t. this twenty seventh day of August a^{ft}. cometh
y^e. s^{ts}. Tho: Smyth by Ephor Philipson his Att^y and prayeth y^e. Co^{rt}. That he may
have Judgm^t. for an Attach^{mt}. ag^t. y^e. goods & chattells of y^e. a^{ft}. s^{ts}. Smith for y^e. a^{ft}. sume
of twelve pound Sterd But a dispute arising in the Co^{rt}. ab^t. y^e. s^{ts}. matter Tho: s^{ts}.
Tho: Smyth is willing to Take Judgm^t. for y^e. a^{ft}. five hundred forty & seven pounds
of Tob^o. being y^e. same quantity said to be by him shipped a^{ft}. 0=0 Therefore it
is considered by y^e. Co^{rt}. here That y^e. s^{ts}. Tho: Smyth for y^e. a^{ft}. sume of five hundred
fourty & seven pounds of Tob^o. Damages and also two hundred & twenty pounds of
Tob^o. costs by him ab^t. his Suite in this behalfe expended and by y^e. Co^{rt}. here of his a^{ft}.
adjudged ag^t. y^e. goods & chattells of y^e. s^{ts}. s^{ts}. Smith have an Attach^{mt}. to y^e. s^{ts}. Tho: Smyth
giving security according to Act of Assembly &c

Wherupon cometh into Co^{rt}. Edw: Scott of this County and becometh security for y^e. a^{ft}.
Tho: Smyth That if y^e. s^{ts}. Def^{ts}. shall wth. an y^e. day from awarding y^e. same Attach^{mt}
come in and make it appeare That he y^e. s^{ts}. Tho: hath been and is satisfied y^e. demand a^{ft}.
or shall otherwise in Co^{rt}. discompt or barr y^e. s^{ts}. Tho: of y^e. same or any part thereof
y^e. s^{ts}. Tho: shall make restitution of y^e. goods & chattells soe attached or condemned or y^e.
value thereof &c

Jam: Smith Clk