

Liber B. Estate, But the defend^t Saith he possessed himself of noe part of that Estate, but by a Just and Legall Course in Law before he knew or heard of any Conveyance thereof to the plte, and for Satisfaction of his Just and due debt and not by any favour or Connivance Now forasmuch as the Matter in question tends to the questioning of the power of the late Governour of Virginia and to the reversing of a Judgm^t already passed in that Collony concerning an Estate then in that Collony by opposing a Conveyance made in England against that Judgm^t which this Court conceives most proper to be disputed by the present Governm^t of that Collony, And being not willing by Clashing of Contradictory Orders, or otherwise to ingender any Breach
 p. 545 or Just distast betwixt the two Governments but rather by all faire and freindly means to preserve a Mutuall Correspondency, This Court thinks not fitt to proceed any further upon the hearing herein, but referreth the Compl^t to Seek for releife in the premisses, either in the Provinciaall Court of the Collony of Virginia or in the County Court there where the Judgm^t was Granted If he think fitt. And if the Governour of that Collony or Commander of the Said County Court, or the Provinciaall or County Court, there upon Sight of this Order Shall think fitt by any Lre or other writing to desire the Governour here by his Lre or other Sumons to appoint the defend^t m^r Gerrard to appeare at any Court to be (at the plantiffes request) appointed for the hearing of this Cause in that Collony, The said m^r Gerrard is hereby Ordered to appeare thereupon accordingly, which if he refuse, Such his refusall will be understood as a Contempt of the Governm^t here, And this Court will Call him to a Strict Accompt in that particular, And in Case of his the defendants Appearance here upon the Governours Said Lre or Summons if the plte Cap^t Cornwallis either fail to prosecute or that the Court there where this Cause Shall happen to receive a hearing Shall not think fitt to give the plte any reliefe in the p^rmisses The Court here will either Compell the plte to Satisfie to the defend^t Such Costs and Charges as that Court Shall Order, or (if it be left to the Court here) upon the defendants Mocōn will allow him Such Costs and Charges in that respect as Shall be fitt.

Thomas Cornwallis Esq plte } The Compltes Suite being for five
 Phillip Land & Henry ffox defts } thousand four hundred fifty and
 Seven pounds of Tobacco and Caske appearing to be due by
 a writing under the defend^{ts} hands of the 21th of July last which
 the defendants not being able to disprove It is Ordered that
 they make paym^t thereof to the plantiffe and the Bill or Deed
 in writing to be Cancelled which is Cancelled accordingly.