

sheweth that he did Send to John Morecroft a procuracy into this province in his Stead to Shew unto the Said Jonathan Sybrey the Said Bill of Sale of the Said Twenty thousand pounds of Tobacco in his hands and the Said Deputation to the Said Jonathan Sybrey to deliver the Said Twenty thousand pounds of Tobacco for the use of the Complt who utterly Refuseth to pay the Same according to the Said Bill of Sale Deputation and Authority by him the Said Witham made as is aforesaid though the S^d Sybrey hath far Greater Sumes of Tobacco of the s.^d Witham in his hands, and that he might be Relieved herein according to Justice and Equity, he humbly Craved the Aid of this Hon.^{ble} Court of Chancery and that process of Subpœna might be thereout awarded ag.^t the defend.^t to appear and to Answer make to all Singular the premisses the w.^{ch} being Granted and the s.^d def.^t duly Served therewith appeared accordingly & for plea to the Said Bill Saith that the Scope of the s.^d Comp.^{lts} Bill is that Cuthbert Witham of London merchant did Receive of the Complt Severall Goods and merchandizes to the value of one hundred pounds Sterling upon the Creditt as is by the s.^d Bill pretended of Twenty thousand pounds of Tobacco w.^{ch} the Said Witham had in this defend.^{ts} hands, and of which the Said Witham did make to the Comp.^{lt} an Assurance of policy by Bill of Sale according to the Law of merchants and in the Same Instrum.^t did make a deputation to the Said defend.^t to pay the Said Twenty thousand pounds of Tobacco to the Comp.^{lt} or his assigns w.^{ch} the Comp.^{lt} by his Attorney had accordingly Demande and w.^{ch} the defend.^t refused to pay the Same, though he hath far greater Sumes of Witham's in his hands, And therefore he prayeth Relief therein according to the Law of merchants, Whereunto the Said defend.^t for plea Sayth that the Said Cutbert Witham in the Bill named was Long before the time the Bill was Exhibited into the Court by his Release Gen.^{ti} under his hand and Seale and duly Executed bearing date the fifth day of June in the Six and Twentieth year of the Dominion of Cæcilius &c.^a and in the year of our Lord God one thousand Six hundred Sixty and Eight absolutely acquitt and Release this defend.^t of and from all manner of Accounts Suits debts and demands whatsoever and Since the date of the Said Release this defend.^t hath had no other dealings with the said Cutbert Witham whereby this defend.^t did or might become indebted to the Said Cuthbert Witham and therefore this defend.^t doth plead the S.^d Generall Release in Barr to the Said Comp.^{lts} Bill of Comp.^{lt} and humbly Submits himself to the Ju^s of this Honourable Court whether he shall be Compelled to make any other or further Answer to the S.^d Bill and prayeth to be dismissed with his Reasonable Costs to w.^{ch} Answer of the s.^d defend.^{ts} the Comp.^{lt} Replied and Averred his Bill to be true and Sayth that the Realease in the defend.^{ts} Answer mençoned and in Barr pleaded to the Comp.^{lts} Bill was passed by the Said Cutbert

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