

Liber C D for the Comp.<sup>lt</sup> Cowell tendred the S.<sup>d</sup> Costs & prayed Stay of the Said Inrollm.<sup>t</sup> and to have the Cause again admitted upon w.<sup>ch</sup> the Inrollm.<sup>t</sup> was Respited till the arrivall in this province of the Right Hon.<sup>ble</sup> Charles Calvert Esq.<sup>r</sup> Chief Judge in Equity and upon mo<sup>o</sup>con made y.<sup>e</sup> S.<sup>d</sup> day in Court by the Attorney Morecroft for the Comp.<sup>lt</sup> Cowell that the Cause be again heard next Co.<sup>rt</sup> and that the Said m.<sup>r</sup> Morecroft first pay the one thousand pounds of Tobacco Costs Taxed last Court and Give Security to pay further Costs if the Said Bill shall be again the Second time dismissed after w.<sup>ch</sup>

(fol. 56) there shall be a Summons or Subp.<sup>a</sup> issued ag.<sup>t</sup> the def.<sup>t</sup> Sybrey to Come to hear Judgem.<sup>t</sup> as af.<sup>d</sup> which Said Sum<sup>e</sup> of one thousand pounds of Tobacco for Costs was paid & Security to pay further Costs was Given by the Said John Morecroft according to the S.<sup>d</sup> Order and thereupon Subp<sup>o</sup>ena was issued out ag.<sup>t</sup> the defendant Sybrey to hear Judgm.<sup>t</sup> this next Court w.<sup>ch</sup> being duely Served & the defend.<sup>t</sup> appearing thereupon the Cause Came to hearing this day that is to Say the Eighteenth day of february in the year of our Lord one thousand Six hundred and Seventy before the Right Honourable Charles Calvert Esq.<sup>r</sup> Chief Judge in Equity Phillip Calvert Esq.<sup>r</sup> Chancellour of this province and the Rest of the Justices of the Court of Chancery in the presence of both parties Comp.<sup>lt</sup> and defend.<sup>t</sup> and the Attorneys on both Sides the Scope of the Comp.<sup>lts</sup> Bill and Replication and the defend.<sup>ts</sup> Answer appeared to be as is before Set forth and Recited whereupon and upon Reading the defend.<sup>ts</sup> Answer & the p.<sup>lts</sup> Replication being Seriously viewed and Considered by this Court Together with the proofs taken in the Said Cause and hearing what could be alledged on Either Side this Court was all Clearly Satisfied that the s.<sup>d</sup> Release in the defend.<sup>ts</sup> answ.<sup>r</sup> in Barr pleaded was not a Sufficient discharge of the defend.<sup>t</sup> ag.<sup>t</sup> the Comp.<sup>lt</sup> But that the Comp.<sup>lt</sup> ought in Equity to be Relieved and that the defend.<sup>t</sup> ought to pay to the Comp.<sup>lt</sup> the S.<sup>d</sup> Sum<sup>e</sup> of Twenty thousand pounds of Tobacco in the Complainants Bill men<sup>o</sup>ned according to the purport of the Bill of Sale thereof made by the Said Witham to the Said Complainant Benjamin Cowell w.<sup>ch</sup> S.<sup>d</sup> Sum<sup>e</sup> of Twenty thousand pounds of Tob.<sup>o</sup> Together with Twelve pounds fifteen Shillings Sterling for his Costs to them adjudged by this Court the s.<sup>d</sup> Jonathan Sybrey is Ordered and Decreed to pay to the Comp.<sup>lt</sup> Benjamin Cowell accordingly, We do therefore hereby Strictly Charge & Comand you that all & Every the matters and things in the Said finall Judgment or decree mentioned Specified and Contained So far as the Same or any of them doe in any ways touch & concern you, you do well & truely observe perform fullfill & keep to all Intents and purposes according to the Teno.<sup>r</sup> and true meaning thereof and that you pay unto the s.<sup>d</sup> Comp.<sup>lt</sup> Benjamin Cowell the Said Sum<sup>e</sup> of Twenty thousand pounds of Tobacco Together also with twelve pounds fifteen Shill-