

Liber M M p. 171	John England & Thomas Jones ag ^t Randall Revell	}	Kenelm Cheseldyne p p ^l ts John Rousby p def ^t .
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Randall Revell late of Somersett County otherwise called Randall Revell of the County of Somersett in the Province aforesaid Gent was Sumōned to answer unto John England and Thomas Jones of the Citty of Bristoll merchant in a plea that he render unto them the Summe of twelve thousand Six hundred eighty & One pounds of tobacco which to them he Oweth and unjustly deteineth

And whereupon the Said John England and Thomas Jones by Kenelm Cheseldyn their Attorney Saith that whereas the Said Randall Revell the fifteenth day of June in the yeare of Our Lord One thousand Six hundred Seventy two did by his certaine writeing Obligatory Sealed with the Seale of the said Randall here in Court produced whose date is the Same day and yeare aboveswitten acknowledged himselfe to Owe and Stand indebted unto the Said John England and Thomas Jones the just and full Summe of twelve thousand Six hundred eighty One pounds of good Sound merchantable tobacco in caske to be paid convenient in Somersett County to the said England or Jones or either of them their or either of their lawfull Attorney or Attornyes executors administrators or assignes or any or either of them to which payment well and truly to be made he did bind himselfe his heirs execut^{rs} and administrat^{rs} firmly by those presents notwithstanding which the Said Randall Revell the Said Summe of twelve thousand Six hundred eighty One pounds of tobacco according to the tenor of the Said bill hath not paid though often thereunto required but the same to pay doth altogether refuse and deny to the damage of the Said John England & Thomas Jones the Summe of fourteen thousand pounds of tobacco and thereupon they bring their Suite.

And the abovesaid Randall by John Rousby his Attorney cometh and defendeth the force and injury when &c and Saith that the said John and Thomas their action abovesaid ought not to have because he Saith at the time of the makeing of the Said writeing Obligatory he the Said Randall was imprisoned By the Said Thomas and others of his Covin that is to Say at Manoakin in the County of Somersett within the jurisdiction of this Court and therein prison Kept till he the Said Randall by force and duresse of his imprisonment the aforesaid writeing Obligatory to the Said Thomas then and there made And this he is ready to aver whereupon he demands judgment whether the plaintiffs ought to have their action against him

And the aforesaid John and Thomas Say that they by any Matters prealleged from their action aforesaid haveing precluded ought not to be because he Saith that the aforesaid Randall at the tyme of the makeing the writeing aforesaid was in his Own power