

dred ninty foure pounds of tobacco which to them he Oweth  
and unjustly deteineth Liber M M

And whereupon the said Richard and Thomas by Robert Carville their Attorney say that whereas the said Henry Mitchell upon the eighteenth day of ffebruary in the yeare of Our Lord One thousand six hundred sixty nine by his certaine bill or writeing Obligatory Sealed with the seale of him the said Henry and here in Court produced whose date is the day and yeare abovesaid did bind himselfe his heirs executors and administrators to pay unto the said Richard Covell and Thomas Groves the summe of 9194 pounds of tobacco and casque upon demand Yet notwithstanding the said Henry the said summe of nine thousand One hundred ninty foure pounds of tobacco to them the said Richard and Thomas though often thereunto requested according to his said writeing Obligatory hath not contented or paid but the same to them to pay doth hitherto altogether deny and refuse whereupon they say they are dampnified and have losse to the value of fifteene thousand pounds of tobacco And thereupon they bring their Suite.

And the aforesaid Henry Mitchell by Vincent Lowe his Attorney Comes and defends the force and injury when &c and as to six thousand two hundred twenty five pounds of tobacco of the said nine thousand One hundred ninty foure pounds of tobacco in the declaration aforesaid above specified the same Henry says that the aforesaid Richard Covell and Thomas Groves as to the aforesaid six thousand two hundred twenty five pounds of tobacco Ought not to have their action against him because he saith that after the making of the bill aforesaid the said Henry did pay unto John Manning Attorney or receiver for them the said Richard and Thomas the said summe of six thousand two hundred twenty five pounds of tobacco in part of the said bill of nine thousand One hundred ninty foure pounds of tobacco in the aforesaid declaration mentioned and this he is ready to averr whereupon he demands judgment if the aforesaid Richard and Thomas Ought thereupon to haue their action aforesaid against him and as to two thousand nine hundred sixty nine pounds of tobacco of the aforesaid nine thousand One hundred ninty foure pounds of tobacco residue of the same the said Henry Saith that he was and is ready to pay the same. p. 213

And the said Richard and Thomas as to six thousand two hundred twenty five pounds of tobacco in the plea of the said Henry mentioned part of the said nine thousand One hundred ninty foure pounds of tobacco say that they by any thing before alleadged ought not to be debarred from haveing their action aforesaid against him for the said six thousand two hundred twenty five pounds of tobacco for that they by protestation say that the said Henry did not pay to the said Richard or Thomas or either of them or to the said John Manning or any other person or persons whatsoever by any