

Liber M M charges in this behalfe laid Out and expended and the Said Edward Roe in mercy &c.

Thomas Bland }
 ag^t } Continued untill next Court
 Thomas Gant }

Philip Shapleigh & Joyce his wife } John Steward late of Dorches-
 executrix of the last will & testam^t } ter County was Sumoned to
 of Daniel Holland deceased } answer unto Philip Shapleigh
 ag^t } and Joyce his wife executrix
 John Steward } of the last will and Testament
 of Daniel Holland deceased in a plea that he render unto them the
 sume of four hundred pounds of tobacco which from them he
 unjustly deteineth

And whereupon the Said Philip and Joyce by Kenelm Cheseldyn
 their Attorney Say that whereas the said John Steward the 11th day
 of January in the yeare 1671 by his certaine writeing Obligatory
 Sealed with the Seale of the Said John here in Court produced whose
 date is the day and year abovewritten did bind himself his heirs
 executors and administrators to pay or cause to be paid unto the Said
 Daniell Holland of the same County his heirs executors or adminis-
 trators the full and just quantity of foure hundred pounds of tobacco
 in caske due to be paid at or upon the tenth day of October next
 ensuing the date thereof at his Said dwelling plantacon notwith-
 standing which the said John the Said Summe of foure hundred
 pounds of to^b according to the tenor of his Said bill hath not paid
 p. 236 though often thereunto required to the Said Daniell in his life
 time nor to the Said Joyce while She was Sole nor to the Said Philip
 and Joyce Since espousalls executrix of the last will and Testament
 of the Said Daniell but the Same to pay altogether denies to the
 damage of the Said Philip and Joyce eight hundred pounds of to-
 bacco & thereupon they bring their Suite.

And the Said Philip and Joyce bring also here into Court the
 letters testamentary of the Said Daniell that it may appeare to the
 Court here that She is executrix of the Said will and thereupon to
 have administration

And the Said John Steward by Vincent Lowe his Attorney Saith
 that the plaintiffs abovesaid Ought not to have their action because
 that the Same day and yeare of makeing the writeing that is to Say
 the 11th day of January in the yeare of Our Lord God 1671 Daniell
 Holland by his certaine bill of acquittance which the def^t brings
 here into Court the date whereof is the Same day and yeare abovesaid
 he the Said Daniell Holland acquitted him the Said John Steward
 by the name of John Steward of all bills bonds and accompts what-