

43th yeare of his Lopps Dominion &c came the Said Samuel by Kenelm Cheseldyn his Attorney and offered himselfe against the said John Allen in the plea aforesaid and the said John by Robert Carvile his Attorney likewise came and Saith nothing in barre or avoidance of the action aforesd of him the said Samuel whereupon the Said Samuel remaineth against the said John as to the said summe of eight thousand twenty foure pounds of tobacco wholly undefended therefore it is considered of by the Court here that the said Samuel recover against the said John Allen aswell the summe of Eight thousand twenty foure pounds of tobacco the debt aforesaid as also the summe of five hundred fifty two pounds of tobacco for his costs and charges in this behalfe laid Out and expended and the said John in mercy. Liber M M

Miles Cooke } John Allen late of Charles County otherwise called
 ag^t } John Allen of Charles County and Province of Mary-
 John Allen } land merchant was Sumōned to answer unto Miles
 Cooke in a plea that he render unto him the sume
 of twelve thousand two hundred fifty and three pounds of tobacco
 which to him he oweth and unjustly deteineth. p. 510

And whereupon the Said Miles Cooke by Kenelm Cheseldyn his Attorney Saith that whereas the said John Allen the Second day of July in the yeare of Our Lord One thousand six hundred Seventy three by his certaine writeing Obligatory Sealed with the Seale of the Said John Allen here in Court produced whose date is the day and yeare abovewritten did bind himselfe his heirs executors administrators and assignes to pay or cause to be paid unto Cap^t Miles Cooke of the City of London marriner his heirs executors adm^{rs} and assignes the just and intire quantity of twelve thousand two hundred fifty and three pounds of Sound merchantable leafe tobacco with caske to be paid to the said Captaine Miles Cooke his heirs executors or assignes at on or before the tenth day of November next ensuing conveniently in Wiccocomoco River or Portobacco to the true performance whereof he did bind himselfe his heirs executors adm^{rs} and assignes firmly by those presents Notwithstanding which the said John Allen the said Summe of twelve thousand two hundred fifty and three pounds of tobacco according to the tenor of his Said writeing Obligatory hath not paid to him the Said Miles though often thereunto required but the same to him to pay hitherto hath and Still doth altogether deny to the damage of the said Miles Cooke the summe of fourteene thousand pounds of tobacco And thereupon he bringeth his Suite.

And the said John Allen by Robert Carvile his Attorney cometh & defendeth the force and injury when &ct and prayeth liberty to imparle here untill the next Provinciaall Court the same day is given to both parties here.