

John Barnes ag <sup>t</sup> Elizabeth Delaroch ex <sup>rx</sup> Ch : Delaroch	}	Elizabeth Delaroch executrix of the last will & testament of Charles Delaroch dec <sup>d</sup> was attached to answer unto John Barnes of a plea that She render unto him One man servant Kind which from him She unjustly deteines.	Liber N N
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And whereupon the Said John by John Jones his Attorney complains that whereas the said Charles the 21<sup>th</sup> of January 167 $\frac{4}{5}$  by his certaine writeing Obligatory Sealed with his seale & here in Court produced whose date is the day & yeare abovewritten did bind himselfe his heirs execut<sup>rs</sup> & adm<sup>rs</sup> to pay or cause to be paid unto the said John his heirs execut<sup>rs</sup> adm<sup>rs</sup> or assignes a man Servant Kind that should have six yeares to serve well and Sound at or upon the twenty fifth day of December then next ensueing as by the Said writeing more at large may appeare notwithstanding the said Charles in his life time nor yet the said Elizabeth executrix of the last will & testament of the said Charles Since his death according to the tenor of the Said writeing Obligatory the said Servant hath not paid unto the said John though often thereunto required but the same to pay hath denyed & still doth deny whereupon he Saith he is dampnified & hath losse to the value of five thousand pounds of tobacco & thereupon brings suite.

And the said Elizabeth by Kenelm Cheseldyn her Attorney comes & defends the force & injury when &c & prayeth the heareing of the Said writeing Obligatory & t'is read unto her She likewise prayeth the heareing of the Condition of the said writeing Obligatory & t'is read unto her in these words The Condition of this Obligation is such That if the above binded Charles Delaroch doe pay or cause to be paid unto the Said Barnes the Said Servant by the said terme then this Obligation is to be void, if the Said Servant is not delivered accordin to condition then the said Charles is to pay or cause to by paid unto the Said Barnes the full & just summe of two thousen five hundred pounds of tobacco in caske if the said Servant be paid as abovesaid then this Obligation is to be void ostrewoisse to stan in full forse & wertu in Law which being read & heard the said Elizabeth saith that she Stands indebted by debts of a higher nature beyond which she hath not assetts to Satisfie the abovesaid debt & of this She craves judgment whether the said John his action aforesaid Ought to have.

And the said John saith he ought not to be barred of his action for the said debt for what above is alleadged and craves judgment whether he ought or not.

Now here at this day to wit the 28<sup>th</sup> day of April 1677 It is granted by the Court here that the said John Barnes recover against the estate of the said Charles the Summe of two thousand five hundred pounds of tobacco the debt aforesd together with the Summe