

And whereupon the said John Darwell by Kenelm Cheseldyn his Attorney saith, that whereas the said John Stone the fourth day of May in the yeare of our Lord one thousand six hundred seventy two did by his certaine writeing obligatory sealed with the seale of him the said John Stone here in Court produced whose date is the same day & yeare above written, did binde himselfe his heyres Ex^{rs} Adm^{rs} & assignes to pay or cause to be paid to William Ratcliffe of the said County & Province aforesaid his hey^{rs} Ex^{rs} Ad^{rs} or assignes The full & just Summe of three thousand seven hundred pounds of good sound & M^rchantable tobacco with caske to containe the same upon his own plantacon, for consideracon of goods in hand allready received att or upon the tenth day of October next ensueing the date hereof, to the which payment well & truely to be made unto the said W^m Ratcliffe his heyres Ex^{rs} & Adm^{rs} & assignes, he did binde himselfe his heyres Ex^{rs} Ad^{rs} & assignes firmly by those p^rsents, Notwithstanding which the said John Stone the same hath not paid to the said W^m in his life tyme, nor to the said John Darwell since his death Admist^r of all & singuler the Goods & Chattels which were the said Williams att the tyme of his death since his death to him comitted though often thereunto required, but the same to him to pay hitherto hath & still doth deny to pay to the damage of the said John Darwell the summe of five thousand pounds of tobacco, & thereupon he bringeth his suite. And the said John Darwell bringeth here in Court the Letters of Administracon to him granted, that itt may appeare to the Court here that he is Admist^r of the Estate of the said W^m & thereupon to have Adm^{con}.

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And the said John Stone by Robert Carvile his Attorney cometh & defendeth the force & injury when &c and prayeth liberty of speakeing hereto untill next Court, the same day is given to both parties

Now here att this day to witt the three & twentieth day of february in the third yeare of the Dominion of Charles Lord Baltemore &c Annoq^{ue} Doni 1677 came the said parties by their Attorneys aforesaid, & the said John Stone saith, that the plaintiffe his action aforesaid ag^t him ought not to have, for that he saith, that before the takeing out the originall writt by the said John Darwell, he paid the said three thousand seven hundred pounds of tobacco according to the tenour of the said bill to the said W^m Ratcliffe in his life tyme, all which he is ready to verifie, & demands Judgem^t if the said John Darwell his action aforesaid against him ought to have. And the said John Darwell refused to make any further prosecution in this suite, whereupon a Nonsuite was awarded against him.

Moyes Ex ^{rs}	}	}
ag ^t		
Tho: Potter Adm ^r		
Geo: Marshall		