

Liber N N fendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Court the same day is given to both parties. Afterwards to witt the Eighth day of October Anno 1677 Came the said Thomas Bankes by his said Attorney & saith that the aforesaid Samuel Millington execution against him or the estate of the said George Beckwith deceased of the aforesaid severall summes by him in forme aforesaid demanded Ought not to have because he
 p. 359 saith that the said judgment was illegally and Surreptitiously obtained in the plaintiffs name against the said George Beckwith without the plaintiffs consent or any warrant of Attorney from the said Samuel to justifie such recovery, and that the said George in his life time & long before the said recovery had against him by the said Samuel paid the said summe of two thousand pounds of tobacco to the Said Samuel & this he is ready to verifie whereof he demands judgment if the said Samuel execution ag^t him or the estate of the said George Beckwith ought to have &c.

And the said Samuel by Christopher Rousby his Attorney saith that by any thing in the aforesaid plea contained he the said Samuel ought not to be hindred from haveing execution upon the judgment against the estate of the said George Beckwith for that the said judgment was not illegally or surreptitiously Obtained nor did the said George Beckwith in his life' time pay the said two thousand pounds of tobacco to the said Samuel Millington &c.

Which being read & heard & the said plea judged insufficient to debarre the said Samuel from haveing Execution aforesaid It is granted by the Court here that execution issue accordingly, and that the Said Samuel Millington recover against the estate of the Said George Beckwith the debt & costs aforesaid together with six hundred fifty foure pounds of tobacco costs of Suite Sithence expended.

W ^m Gittings ag ^t Richard ffenwick adm ^r Cuthbert ffenwick	}	Richard ffenwick late of Calvert County Gent adm ^r of the goods & chattells w ^{ch} were of Cuthbert ffenwick late of the County aforesaid Gent dec ^d was attached to answer unto W ^m Gittings Gent in a plea of trespas upon the case.
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And whereupon the said William by Christopher Rousby his Attorney complaineth that whereas the Said Cuthbert the 20th day of March 1673 in consideration that he the said W^m at the Speciall instance & request of him the said Cuthbert would authorize him the Said Cuthbert to collect certaine summes of tobacco due to him the said W^m from Severall persons within this Province, and would allow him the said Cuthbert usuall Salery for his paines therein to wit ten pounds by the hundred for every hundred pounds of tobacco which he the said Cuthbert should collect of the debts aforesaid did assume & faithfully promise that he the said Cuthbert would not only