

John Wynne ag <sup>t</sup> John Watson & Tho: Carlisle ex <sup>rs</sup> John Cuningham	}	John Watson & Thomas Carlisle execut <sup>rs</sup> of the last will & Testament of John Cuningham deceased were attached to answer unto John Wynne of a plea of trespas upon the case. And whereupon the said John Wynne by Kenelm Cheseldyn his Attorney complaineth	Liber N N
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That whereas the said John Cuningham in his life time to wit from the 16<sup>th</sup> day of May in the yeare 1676 untill the tenth day of August in the same yeare did languish of divers distempers of body the said John Cuningham did in consideration that the said John Wynne (then practiceing phisick & Chirurgery in this Province) would administer unto him the sd Jn<sup>o</sup> Cuningham such meanes and medicines as he the said John Wynne thought best in his judgment for his then present distempers of body & give necessary attendance upon him while administring the same the said John Cuningham did assume upon himselfe & to the said John Wynne did faithfully promise that he the said John Cuningham would pay unto the said John Wynne for the said medicines meanes and attendance as aforesaid what for the same he should deserve and the said John saith he did administer severall meanes & medicines as in his best judgment he thought convenient for his said distempers of body and gave him dureing the said Sicknesse necessary attendance a particular of all which medicines meanes & times of attendance are here in Court produced and in fact further saith that for the same he doth well in the whole deserve the summe of three thousand One hundred pounds of tobacco notwithstanding which the said John Cuningham in his life time nor the said John Watson & Thomas Carlisle execut<sup>rs</sup> of the last will & testament of the said John Cuningham since his death the said three thousand One hundred pounds of tobacco have not paid though often thereunto required but the same to pay hitherto have & still doe deny to pay to the damage of the said John Wynne the summe of five thousand pounds of tobacco And thereupon he bringtheth his suite. And the said John Watson & Thomas Carlisle by John Jones their Attorney come & defend the force & injury when &c & pray liberty to imparle hereunto untill the next Court & it is granted them the same day is given to the said John Wynne.

Att which next Court to witt the fifth day of October in the yeare of Our Lord 1677 Came the said John Wynne by his said Attorney & offered himselfe against the said John Watson & Thomas Carlisle in the plea aforesaid but they came not & the said John Wynne having produced & proved the said accompt upon Oath is granted by the Court here That the said John Wynne recover against the said John Watson & Thomas Carlisle execut<sup>rs</sup> as aforesaid of the estate of the said John Cuningham the said summe of three thousand One hundred pounds of tobacco damages occasioned by the trespas aforesaid as also five hundred thirty six pounds of tobacco costs of suite.