

Liber N N day of March in the yeare of our Lord One thousand six hundred seventy eight stood indebted unto severall persons several & divers sumes of tobacco in this Province amounting in the whole to the sume of two thousand forty five pounds of tobacco In consideration that the said Samuel Cressey would for & on the behalfe of the said Thomas pay the said severall Sumes of tobacco to the severall persons which he was so indebted to, & would take in his severall bills & noates passed to the said persons for the said debts, the said Thomas Clarke did assume upon himselfe & to the said Samuell did faithfully promise that he the said Thomas Clarke the said severall Sumes so paid as aforesaid when thereunto required to him the said Samuell would well & truely content & pay And the said Richard in fact saith, that the said Samuell in his life tyme did pay for & on the behalfe of the said Thomas Clarke severall sumes of tobacco to severall persons in this Province a particuler of which is here in Court produced amounting in the whole to the sume of two thousand forty five pounds of tobacco Notwithstanding which the said Thomas Clarke the said Sume of two thousand forty five  
 p. 782 pounds of tobacco to him the said Samuell in his life tyme hath not paid according to his promise nor to the said Richard since his death Exec<sup>r</sup> of the last Will & testam<sup>t</sup> of the said Samuell though often thereunto required, but the same to him to pay hitherto to hath & still denies to pay to the damage of the said Richard foure thousand pounds of tobacco & thereupon he bringeth his suite And the said Richard bringeth here in Court the letters Testamentory to him the said Richard granted, that itt may appeare to the Court here that he is Exec<sup>r</sup> of the last Will & testam<sup>t</sup> of the said Samuell & thereupon to haue Admcōn

And the said Thomas Clarke by Robert Carvile his Attorney cometh & defendeth the force and injury when &c and prayeth liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto him, the same day is given to the plaintiffe also

Now here att this day to witt the ffourteenth day of March in the fourth yeare of the Dominion of Charles Lord Baltmore &c Annoq̄ Doni 1678 cometh as well the said plaintiffe as the said Defend<sup>t</sup> by their Attorneys aforesaid And the said Thomas by his said Attorney saith, that the plaintiffe his action aforesaid against him ought not to haue for that he saith he did in the life tyme of the said Samuel to witt upon the thirteenth day of January One thousand six hundred Seventy five by order of the said Samuell pay unto M<sup>r</sup> Matthew Stone the Sume of ffifteen hundred Seventy fve pounds of tobacco in full for all debts paid & bills taken in for the said Thomas, & for all the bills & debts in the declaracōn mencōned, without that that the said Samuell had any order for the said Thomas to pay the said debts & take in the said bills All which the said Thomas is ready to verifie, & humbly demands judgem<sup>t</sup> if the said Richard his action aforesaid