

Liber N N And whereupon the said Richard Gardner by Christopher Rousby his Attorney saith, that whereas the aforesaid Richard Boughton did in the life tyme of the above named John Weir to witt the third day of March one thousand six hundred & Seventy accompt with the said John of divers Sumes & quantities of tobaccoes to him due by the said Richard Boughton, by which accompt the said Richard Boughton was found in arrears towards the said John in the aforesaid Summe or quantity of foure thousand Eighty & six pounds of tobacco By which action did accrue to him the said John Weir in his life tyme, & since the death of the said John unto him the said Richard Gardner to whom Admcōn of the Goods Chattles & Creditts of the said John was by the Hon^{ble} Philip Calvert Esq^r Co^mmissary Gen^l of Maryland granted, to have & receive of him the said Richard Boughton the said Summe of ffoure thousand Eighty Six pounds of tobacco Yet he the said Richard Boughton though
 p. 843 often thereunto Required the said Summe of foure thousand Eighty & six pounds tobacco unto him the said John in his life tyme or unto him the said Richard Gardner since the decease of the said John hath not paid, but the same to pay hath refused & still doth refuse in hinderance of the Admcōn aforesaid Whereupon the said Richard Gardner saith he is the worse & hath losse to the Value of Seaven thousand pounds of tobacco & thereupon he bringeth his suite. And the said Richard Gardner bringeth here in Court his Letters of Admcōn aforesaid, whereby itt doth appeare to the Court here that he is rightfull Adm^r &c

And the said Richard Boughton by George Parker his Attorney cometh & defendeth the force & injury when &c & prayeth liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto him, the same day is given to the pth also.

Now here att this day to witt the sixth day of June in the fourth yeare of the Dominion of Charles Lord Baltemore &c Annoq³ Doni 1679 cometh as well the said pth as the said Defend^t by their Attorneys aforesaid And the said Defend^t by his said Attorney saith that the said Richard Gardner his action aforesaid against him ought not to have, for that he saith, that whereas by one Act of Assembly made att a Gen^l Assembly begunn & held att the City of S^t Maryes the day of April in the yeare of our Lord God One thousand six hundred sixty nine & by severall subsequent Acts revived & continued & now standing in force intituled an Act for lymitacoñ of certaine actions for the avoiding of suites at Law, itt is amongst other things Enacted, that all actions of trespass quare Clausum fregit, all actions of trespassed, detinue Sur trover & Replevin for takeing away Goods & Chatles, all actions of accompt Contract, debt, booke & upon the Case, other then such actions as concerne the trade of M^rchandizes between M^rchant & M^rchant their ffactors & Servants which are not resident within this Province, all actions of debt for