

said against them the said Henry & Elizabeth as Ex<sup>rs</sup> of the last Will & testament of Nathaniel Styles [*sic*] deceased, but doe not expresse by whom the letters testamentary of the testament of the said Nathaniel was so granted, nor doe they shew forth the said letters testamentary under the Seale of the Judge Coñmissary or Officer for probate of Wills &c in this Province, whereby itt may appeare to the Court here that the said plaintiffes are in truth Exec<sup>rs</sup> of the last Will & testament of the said Nathaniel Styles deceased, and right have to sue & bring the action aforesaid, and this they are ready to verifie, & pray judgment of the Court whether they shall be compelled to make any other or further Answer hereunto And the plaintiffes also And hereupon the p<sup>r</sup>misses being seen & by the Justices here fully understood, itt seemeth to the Justices here that the Declaracōn of the aforesaid plaintiffes is insufficient in Law to maintaine them the said p<sup>r</sup>ts to have their said action against the said Defend<sup>ts</sup> Therefore itt is considered that the said p<sup>r</sup>ts take nothing by their writt but be in mercy for their false plaint And that the Defend<sup>ts</sup> goe thereof without day.

Richard Draper	} This action is continued untill next Court
ag <sup>t</sup>	
W <sup>m</sup> Crosse	

Roger Baker	} Margaret Gittings late of Calvert County widow Ex <sup>x</sup> of the last Will & testament of John Gittings deceased was Attached to Answer unto Roger Baker in a plea of trespas upon the case	p. 897
ag <sup>t</sup>		
Margar <sup>t</sup> Gittings		

And whereupon the said Roger by Christopher Rousby his Attorney complaineth, that whereas the said John Gittings in his life tyme to witt upon the third day of May One thousand six hundred Seventy five by a certaine writeing of receipt under his hand & Seale here in Court produced whose date is the day & yeare aforesaid, did acknowledge to have received of the said Roger Baker certaine bills in a list mencōned thereunto annexed amounting unto thirty Eight thousand foure hundred forty & eight pounds of tobacco, which said tobacco he the said John did engage thereby to doe his uttmmost endeavoure to receive for the use of the said Roger And to be accomptable for the same, & render the same tobacco when thereunto required to the said Roger, or returne the bills in kinde Yet nevertheles as to nine hundred & thirty pounds of tobacco in the said list mencōned, & six hundred Sixty & six pounds of tobacco allowed by this Court for costs of suite for recovery of the said nine hundred & thirty pounds of tobacco due from George Robotham of Talbot County unto the said Roger, And also two thousand two hundred pounds of tobacco part of two thousand six hundred sixty & five pounds of tobacco in the said list mencōned