Liber N N the said sume of ffive thousand Eighth hundred & fifty pounds of tobacco to him the said John Cuningham in his life tyme nor unto the said Carlisle nor Watson since his death according to the tenour of the said bill hath not paid or satisfied, but the same to pay hath hitherto denyed & still doth deny to the damage of them the said Carlisle & Watson Ten thousand pounds of tobacco & thereupon they bring their suite &c

And the said John Addison by Robert Ridgely his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provinciall Court, & itt is granted unto him, the same day is given to the plaintiffes also

Now here att this day to witt the Eighth day of March in the fourth yeare of the Dominion of Charles Lord Baltemore &c Anoq Doni 1678 come as well the said plaintiffes as the said Defend^{ts} by their Attorneys aforesaid And the said Defend^{t} by his said Attorny saith that he for or by reason of any thing above by the said plaintiffes in manner & forme aforesaid alleadged against him he hath no need nor by the Law of the land is bound to Answer And for reasons according to the forme of the Statute in that case provided & made he saith, that the said plaintiffes in the Declaracon abovesaid entitle themselves to sue & bring the action abovesaid against him the said John as Exec^{r} of the last Will & Testament of John Cuningham M^{r}chant deceased, but doe not therein nominate Wm Hatton and Robert Graham that were also Exec^{rs} of the said Cuningham, nor expresse by whom the Letters Testamentory of the Testam^{t} of the said Cuningham was so granted, nor doe they shew forth the said Letters Testamentory under the Seale of the Judge Comissary 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 Ex^{rs} of the last Will & testament of the said John Cuningham deceased & right have to sue & bring the action aforesaid And this he is ready to verifie and prayeth judgem^{t} of the Court whether he shall be compelled to make any other or further Answer hereunto Which being read & heard the said plaintiffes by their Attorney aforesaid say that they will make no further prosecution against the said Defend^{t} in the plea aforesaid Therefore itt is considered by the Court here that the said plaintiffes take nothing by their writt, but be in mercy for their false claime And that the said Defend^{t} goe thereof without day

p. 752 Tho: Mountfort ag^{t} James Wasse } James Wasse was Attached to Answer unto Thomas in a plea of trespas upon the case

And the said James Wasse by Robert Carvile his Attorney cometh & defendeth the force & injury when &c And the said Thomas Mountfort although solemnly called came not to preferr his declaracon & prosecute his writt against