

Tho: Taillor Esq^r } Josias Lenham & James Balderstone late of Kent Liber W. C.
 ag^t } County Adm^{rs} of the Goods & Chattles of John
 Jn^o Desiardins } Desiardins deceased were Sum^oned to Answer
 Adm^{rs} } unto Thomas Taillor Esq^r of a plea that they
 render unto him the full & just Sum^e of two
 thousand six hundred Sixty two pounds of good sound M^rchantable
 tobacco & caske which from him they unjustly detaine

And whereupon the said Thomas Taillor by George Parke[r] his Attorney saith, that whereas the said John Desiardin[s] in his life tyme to witt the twenty ninth day of March One thousand six hundred Seventy seven, by his certaine bill obligatory sealed with the Seale of him the said John Desiardins & here in Court produced, whose date is the day & yeare aforesaid, did binde himselfe his heyres Exec Adm^{rs} or assignes to pay or cause to be paid unto Col Thom[as] Taillor Esq^r or his certaine Attorney the full & just Sum^e of two thousand six hundred sixty two pounds of good sound Merchantable tobacco & caske to containe the same in some convenient place in Cecil or Kent County upon all demands afte[r] the tenth day of October next ensuing the date of the same bill Yett the said John Desiardins in his life tyme, nor the said Josias Lenham & James Balderstone to whom Letters of Administration since the death of the said John Desiardins hath bin comitted, the same Sum^e of two thousand six hundred sixty two pounds of tobacco to him the said Thomas according to the tenour of the said bill obligatory although often thereunto required hath not paid, but the same to pay hath denyed and as yet yet doth deny, whereupon the said Thomas saith that hee is the worse & hath losse to the Value of five thousand p^{ds} of tobacco, & thereupon he bringeth his suite

And the said John & James by Robert Ridgely his Attorney cometh & defend the force & injury when & c & pra[y] liberty to imparle hereunto untill next Provintiall Court, itt is granted unto them, the same day is given to the pth also

Att which next Provinciaall Court to witt the nineteenth day of february in the fifth year of the Dominion of the right Hon^{ble} Charles Lord Baltemore &c Annoq³ Doni 167[9] Came the said parties by their Attorneys aforesaid And the said John & James by their said Attorney say, that the said pth his action aforesaid against them ought not to haue, because they say, that they have fully Administred all & singuler the Goods Chattles & Creditts which were of the said John Desiardins att the tyme of his death in their hands to be Administred of, nor any Goods & Chattles unadministred in their hands had of the deceased's att the tyme of the pths suing out the originall writt upon this action, nor att any tyme afterwards And this they are ready to averr, And thereupon demand judgm^t if the aforesaid pth his action aforesaid against them ought to have

And the said Thomas Taillor by his said Attorney saith, that he