

said Summe of Eighteen hundred & forty pounds of tobacco to him the said John hath not paid according to the tenour of his said bill, nor the said Marke Cordea since his death Adm^r of all & singuler the Goods Chattles & debts which were the said Samuels att the tyme of his death since his death to him comitted hath not paid though often thereunto required but the same to him to pay hitherto hath & still denies to pay to the damage of him the said John the Summe of foure thousand pounds of tobacco, & thereupon he bringeth his suite

Liber W. C.

And the said Marke Cordea by Robert Ridgely his Attorney cometh & defendeth the force & 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

Att which said next Provinciaall Court came the said parties by their Attorneys aforesaid And the said Marke Cordea by his said Attorney saith, that as to nine hundred pounds of tobacco part of the said Eighteen hundred forty pounds of tobacco, the said Marke saith that the said John his Action aforesaid against him for the same ought not to haue, because the said Samuel Brocutt in his life tyme him the said John Barnes the said nine hundred pounds of tobacco in part of the said Eighteen hundred & forty pounds of tobacco according to the tenour of the said bill well & faithfully paid, & this he is ready to averr, & therefore demands judgem^t if the aforesaid John Barnes his action aforesaid against him for the said Nine hundred pounds of tobacco ought to have And as to Nine hundred & forty pounds of tobacco residue of the said Eighteene hundred & forty pounds of tobacco the said Marke saith, that the said John his action aforesaid against him for the same ought not to have, because he saith that he hath fully Administred all & singuler the Goods & Chattles which were of the said Samuell att the tyme of his death in his hands remaining to be Administred, nor had he any Goods & Chattels of the said Samuell in his hands to be Administred att the suing out the original writt of the said John Barnes in the action aforesaid, nor att any tyme since And this he is ready to averr, & thereupon demands judgem^t of the aforesaid plaintiffe his action aforesaid for the same against him ought to have

And the said John saith, that he the said John ought not to be debarred from haveing his action aforesaid, for that he saith, that the said Samuell in the life tyme of him the said Samuell, did not pay unto him the said John the Summe of Nine hundred pounds of tobacco in part of satisfacōn of the said debt of Eighteen hundred & forty pounds of tobacco And of this he putts himself upon the Countrey And as for the residue of the said debt of Nine hundred & forty pounds of tobacco the said John saith that the said Mark Cordea had not Att the tyme of the issuing forth of the Originall writt of him the said John fully Administred the Goods & Chattles