

this he is ready to averre wherefore he Demands Judgment if the said John his action aforesaid against his owne Prop writing of receipt or acquittance ought to have, Whereupon the said John Baker refuseth to make any further Prosecucōn against the said Daniel Carnell in the plea aforesaid Therefore Itt is Considered by the Court here that the said John Baker take nothing by his writ aforesaid but be in mercy for his false clayme therein. & that the said Daniel Carnell goe thereof w<sup>th</sup>out day, and that the said Daniel Carnell Recover against the said John Baker the sume of Nine hundred thirty & three pounds of tobacco for his Costs & charges by him about his defense in this behalfe Layd out & expended & the said Daniel may have thereof Execution

Henry Brent & Ann his wife. Ex <sup>x</sup> Baker Brooke Esq <sup>r</sup> ag <sup>t</sup> Kenelm Cheseldyn Ex <sup>r</sup> of John Jones	}	Kenelm Cheseldyn late of st Maryes County gentl Executo <sup>r</sup> of the last will and Testam <sup>t</sup> of John Jones late of S <sup>t</sup> Maryes Citty gentl decd was sumoned to answe <sup>r</sup> unto Henry Brent and Ann his wife Ex <sup>x</sup> of the	p. 525
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Last will & Testament of Baker Brooke Esq<sup>r</sup> late surveyo<sup>r</sup> Generall of the Province of Maryland of a plea that he render unto them One hundred Thousand pounds of tobacco w<sup>ch</sup> from them he unjustly detaineth

And Whereupon the said Henry and Ann say that Whereas the said John Jones in his life time to wit the seaven and twentyeth day of Aprill in the yeare of our Lord 1677 by his Certaine bond or writing Obligatory sealed with the seale of him the said John and here in Court produced Whose date is the day and yeare abovesaid Did Confesse himself to be held and firmly bound to ye said Baker Brooke in the sume of One hundred thousand pounds of good sound Marchantable tobacco & Caske. To be payd to the said Baker Brooke or his Certaine Attorney his Executo<sup>rs</sup> Adm<sup>rs</sup> or assignes, Yett Notwithstanding the said John Jones in his life time Or the said Kenelm since his death the said sume of One hundred thousand pounds of tobacco to him the said Baker Brooke in his life time or to the said Ann after his death while she was sole Or to the said Henry & Ann after the Espousalls betweene them Celebrated though often thereunto required did not pay, but the same to pay hath hitherto denyed & the same to them to pay doth as yett denye & unjustly detaineth Whereupon they say they are Damnified & have Losse to the Vallue of One hundred and tenn thousand pounds of tobacco & thereupon they bring their suite, And they bring here into Court the Letters Testamentary of the said Baker by wch it may appeare to the Court here the said Ann is Executrix of the will of the said Baker & thereof to have Execucōn

And the said Kenelm Cheseldyn in his prop pson Cometh and Defendeth the force and Injury when &c & prayeth the hearing of