

of a pound of tobacco, **Yett Notwithstanding** the said Susanna Liber W. C.
Keene Although after the makeing of the said Award and after
his the said Rogers perfecting & passing his said account before
the said Judge or Comissary generall &c^a as aforesaid And before
the day of the Obtaining of the Originall writ of him the Said
Roger (that is to Say) The first day of July in the yeare of our
Lord One thousand Six hundred & Eighty aforesaid Att Battle
Towne in Calvert County aforesaid she was thereunto required
the said Sume of fourteene thousand five hundred fifty four
pounds and three fourths of a pound of tobacco to him the said
Roger Brooke hath not allowed rebated payd or satisfied w^{ch} to
allowe Rebate pay and Satisfye to the said Roger according to the
forme and effect of the award aforesaid she ought And this he is
ready to averre **Whereupon** he prayeth Judgment and this debt
aforesaid together wth his Damages by Occasion of the detaineing
of that debt to him to be adjudged And hereupon the said partyes
prayed Day untill next Provinciaall Court & it was granted unto
them.

Now here at this day (to wit) the Eighteenth day of October
in the seaventh yeare of the Dominion of the Right hono^{ble} Charles
Lord Baltimore &c. Annoq̄ Doni. 1682 Came the said partyes by
their Attorneys aforesaid and the sd Susanna Keene by her said
Attorney sayth that for any thing in the s^d Replica^on above
alleadged the said Roger ought not to maintaine his said ac^on
against her the said Susanna because she sayth that she the said
Susanna from the time of the makeing of the award award afore-
said to the day of the obtaining of the Originall writ of the said
Roger hath not done any act or thing, Now but that the said
Sume of ffourteen thousand one hundred twenty nine pounds &
three fourths of tobacco in the Replica^on above mentioned might
have remained in the hands of the said Roger according to the
award aforesaid, And that the said sume of fourteen thousand One
hundred Twenty nine pounds and three fourths of a pound of
tobacco is yett in his hands over and above the Just Moyety of the
estate aforesaid to her and her daughter awarded & of this she putts
herself upon the Country

And the said Roger by his said Attorney sayth that he by any
thing by the aforesaid Susanna above by pleading alleadged from
his ac^on aforesaid against her the said Susanna Ought not to be
barred because by protesting that the said Sume of ffourteen
thousand one hundred twenty and nine pounds and three fourths of a
pound of tobacco or any part thereof is not yett in the hands of
the said Roger Over and above the just moyety of the Estate afore-
said to her the said Susanna and her said Daughter awarded
as is above in the Rejoynd^r of her the said Susanna alleadged, ffor
Plea the Said Roger sayth that the plea of the said Susanna in