

June 23 1708

last will & Testament of Thomas Lewis late of the said County of a plea
 that he render unto her the full & just sum of One thousand five hundred pounds
 of good sound Merchantable Tobacco in cash or from her he unjustly detains
 AND whereupon of a p^{er} Di her said Capacity by Michael Earle her atty of said
 that whereas the said De^{ft} of seventeenth day of July anno Domini 1704 in said County
 within the Jurisdiction of this Co^{ty} by his certain & lawful obligatory Sealed with
 his Seal as his att^{or} good & delivered here in ~~the~~ brought whose date is of said day
 & year did bind himself by hands & admⁿ to pay or cause to be paid unto the said
 Testat^r the said sum of 1500^l of Tobacco qualified as a^{ss} upon the 10th day of
 December next ensuing the date of said bill yett notwithstanding said De^{ft} the
 a^{ss} sum of 1500^l of Tobacco according to & tenor of the said bill unto the said
 Testat^r in his lifetime he did not pay neither hath he paid of said sum unto the said
 since the death of the said Testat^r although often demanded but the same to pay he
 hath decayed & refused & still doth deny & refuse & unjustly detains by damage of
 the said Testat^r estate in the hands of the said De^{ft} 3000^l of Tobacco and thereupon
 she brings this Suit
 And here in ~~the~~ the brings her letters
 Testamentary by which ~~she~~ Earle of Pledge^r & Aud^r Roe

AND the said De^{ft} by Chris^t Phillipson his atty of course defends of force &
 Injury when ~~she~~ and for plea saith that the said De^{ft} hath in the lifetime of the
 said Thomas Lewis paid fifteen hundred pounds of Tobacco in full Satisfaction
 of the bill mentioned in the 1st De^{cl} - as by three Receipts here in ~~the~~ ready to
 be produced both appear whereupon the said De^{ft} prays Judgment and that the
 said 1st De^{cl} from having her action a^{ss} against him may be barred &c

AND of said De^{cl} in her said Capacity by Michael Earle her atty a^{ss} for Reply saith
 saith that for any matt^r or thing before alleged by of said De^{ft} shee the said De^{cl} ought
 not to be barr'd from maintaining her action a^{ss} because shee saith that the said De^{ft}
 did not pay unto of said Thomas in his lifetime the sum of fifteen hundred pounds
 of Tobacco in full Satisfaction of the bill in the 1st De^{cl} mentioned, and
 this she prays may be enquired of by of Country Phillipson of Defendants

AND the Defendant in like manner Earle of

Thereupon Command was given to the Sher^{iff} of Kent County that he immediately
 cause to come here Twelve ~~to~~ by whom he to Recognize he because as well ~~to~~ and
 the Sher^{iff} makes Return that he has here ready Twelve ~~to~~ as by his precept it was
 Comanded to wit^h Josiah Crouch George Coppel Peter Massey William Reading William
 Edwards John Griffin Philip Davis Robert Jarman John Ellis Thomas Jones Ruld
 Davis Edward ~~the~~ which Jury being duly sworn to try the Issue Joyntly &
 having heard the whole matter & allegations on both sides of ~~the~~ there