

At which day here came againe as well the ^{af} Whittington
as the ^{af} Capell by their attorneys ^{af} and ^{whereupon} the ^{af} Capell as
before defende the force and Injury when ^{af} and says that the said
Whittington King his accou thereof against him to have and
Maintain ought not because he says that he the said Capell hath
fully administred all and Singular the goods and Chattles which
were of the said ^{of his death} Benj^d King at the time of the Impetration
of the original writ of him the said Whittington King nor ever
afterward had he any goods or Chattles which were of the said
Benj^d King at the time of his death in his hands to be administred
whereof he the said Capell the debt ^{af} or any part thereof to the
said Whittington King could pay and this he is ready to verify
Whereupon he prays Judgment if the said Whittington King
his accou ^{af} against him the said Capell to have and maintain
ought. ——— And whereupon the ^{af} Capell King prays that the ^{af} Whittington
to the plea ^{af} of him the same Capell may reply whereupon day is given by the Court
now here to the ^{af} Whittington to reply to the plea ^{af} of the ^{af} Capell and it is said
to the same Whittington by the Court now here that he at the same day reply at which
day the ^{af} Whittington altho' solemnly called Cometh not nor to the plea ^{af} of
the same Capell replyeth nor is his writt and declaration ^{af} against the same Capell
further proceeded — Therefore it is considered by the Court here that the ^{af}
Whittington King take nothing by his writt and declaration ^{af} but that he and his pledges
of proceeding to with John Doe and Richard Roe be in mercy and that the ^{af} Capell King
of the ^{af} Benj^d King go thoro of without daye. and further it is considered
that the ^{af} Capell recover against the ^{af} Whittington King
pounds of tobacco for his costs and Charges by him about
his defence ^{af} in that part sustained to the same Capell by the Court now here and unto the form
of the Statute in such case thero upon lately made & provided adjudged that if any goods have thero of his ^{af}