

George Diamont }  
 ag<sup>t</sup> } This Cause by Consent of the Attorneys of both } Liber M M  
 Cornelius Carmial } sides continued untill the next Provincial Co<sup>rt</sup>.

Curtis ffletcher }  
 ag<sup>t</sup> } Edward ffizharbert Esq<sup>s</sup> and Caleb Baker late  
 Edward ffizherbert } of St Maryes County Executo<sup>rs</sup> of the last will  
 & Caleb Baker } and Testm<sup>t</sup> of William Hattoff deceased was  
 attached to answe<sup>r</sup>e unto Curtis ffletcher in a  
 plea of Trespas upon the case

And whereupon the said Curtis by Kenelm Chiseldine his Attorney Complaineth that whereas the said William Hatoff upon the first day of May in the 40th year of the Dominion of Caecilius &c and in the year of our Lord 1671 stood indebted to the said Curtis for Eight moneths storage and Diat for himself and foure moneths diat for one that Tended upon him as also for seu'all other accomodations Received at the house of him the said Curtis together with seu'all goods and Marchandizes all bought had received and Delivered at Diverse dayes and times to wit from the first day of May in the yeare aforesayd untill the            day of December in the same yeare a pticular whereof is here in Co<sup>rt</sup> produced amounting to the su<sup>m</sup>e of five Thowsand five hundred forty Seaven pounds of Tobacco. In Considerac<sup>o</sup>n whereof the said Willm did assume upon himself and to the said Curtis did faithfully promise, that he the said William when thereunto Required the said su<sup>m</sup>e of five Thowsand five hundred forty Seaven pounds of Tobacco to him the said Curtis would well and truly content & pay, Notwithstanding which the said William the said su<sup>m</sup>e of 5547<sup>l</sup> Tob in his life time hath not payd though required, Nor they the said Edward & Caleb Executor<sup>s</sup> of the last will and Testam<sup>t</sup> of the said William though often thereunto Required Since his death hath not payd but the same to pay altogether denyes, whereupon the said Curtis saith he is Damnified Seaven Thowsand pounds of Tobacco & thereupon he bringeth his suite.

And the said Edward and Caleb by John Morecroft their Attorney doe come and Defend the force and injury when &c and say that the said Edward & Caleb have fully administred all and singuler the goods and Chattells w<sup>ch</sup> were of the said William at the time of his death and nothing have of the goods that were of the said Williams at the time of his Death in their hands to be Administred wherefore they the said Edward and Caleb pray the Judgem<sup>t</sup> of the Co<sup>rt</sup> if the sd Curtis his acco<sup>n</sup> ought to have against them.

And now here at this day to wit the Twelveth day of November in the 42<sup>th</sup> year of the Dominion of Caecilius &c Anno<sup>q</sup> Domini 1673. came the said Curtis ffletcher by the said Kenelm Chiseldine his Attorney and offered himself ag<sup>t</sup> the said Edward & Caleb of & upon the p<sup>m</sup>ises and the said Edward & Caleb apeared not but made