

Liber N N seventy seven pounds of tobacco the remainder of the accompt afore-said as also the sume of six hundred pounds of tobacco costs of suite

W<sup>m</sup> Dare  
ag<sup>t</sup>  
Jn<sup>o</sup> Brooke Ad<sup>r</sup>  
W<sup>m</sup> Worgan

} John Brooke late of Dorchester County Chirurgion  
Adm<sup>r</sup> of the Goods & Chattels of W<sup>m</sup> Worgan  
deceased was sumoned to Answer unto W<sup>m</sup> Dare of  
Dorchester in England M<sup>r</sup>chant of a plea that he  
render unto him the sume of Eight thousand pounds  
of every way good tobacco & cask w<sup>ch</sup> from him he unjustly detaineth

p. 504 And whereupon the said W<sup>m</sup> Dare by Geo: Parker his Attorney  
Saith, that whereas the said W<sup>m</sup> Worgan the fifth day of August  
One thousand six hundred seventy foure by his certaine bond or  
writeing Obligatory sealed with the seale of him the said W<sup>m</sup> Worgan  
& here in Court produced whose date is the day & yeare first above-  
said did owe & was indebted unto W<sup>m</sup> Dare of Dorchester in Eng-  
land M<sup>r</sup>chant the sume of Eight thousand pounds of a very good  
tobacco & cask due to be paid to the said Dare or his assignes, for  
this paym<sup>t</sup> well & truely to be made he the said W<sup>m</sup> Worgan did  
binde himselfe his Exec<sup>rs</sup> & Adm<sup>rs</sup> firmly by those p<sup>r</sup>sents Yet not-  
withstanding the said W<sup>m</sup> Worgan in his life tyme nor the said  
John Brooke since his death to whom Letters of Adm<sup>ion</sup> was granted  
of the Goods & Chattels of y<sup>e</sup> said W<sup>m</sup> Worgan though often de-  
manded the said sume of Eight thousand pounds of tobacco hath  
not paid or satisfied according to the tenor of the said bond or write-  
ing obligatory, but the same to him the said W<sup>m</sup> Dare doth still  
deny & refuse, whereupon the said W<sup>m</sup> Dare saith he hath losse & is  
damnified to the Value of foureteene thousand pounds of tobacco,  
& thereupon he bringeth his suite.

And the said John Brooke by Charles Boteler his Attorney comes  
& defends the force & injury when &c and prayeth the heareing of  
the said bond or writeing obligatory & itt is read unto him He also  
prayeth the heareing of the Condicon of the said bond or writeing  
Obligatory & itt is read unto him in these words The Condicon of  
this Obligacon is such, that if the above bounden Worgan or his  
Ex<sup>rs</sup> deliver or cause to be delivered to the said Dare or his assignes  
twenty thousand pipe staves two thirds of them white Oak & all  
of them every way good & fitt & proper for the Barbados trade on  
his now dwelling plantacon within six yards of the Creek side in  
the month Octob<sup>r</sup> next Then this Obligacon to be void, otherwise to  
stand in force Which being read & heard the said John Brooke by  
his Attorney aforesaid prayeth liberty of speakeing hereunto untill  
next Provincial Court & itt is granted unto him, the same day is  
given to both parties.

Now here att this day to witt the tenth day of April in the third  
yeare of the Dominion of Charles Lord Baltemore &c Annoq̄ Doni  
1678 came the said parties by their Attorneys aforesaid And the said  
John Brooke saith nothing in barr or avoidance of the accōn afore-