

Richard Mitchell ag ^t Charles Hea	}	Charles Hea late of Charles County otherwise called Charles Hea of Charles County in the Province of Maryland was Sumoned to Answer unto Richard Mitchell M ^r chant of a plea that he render unto him twenty thousand pounds of tobacco which to him he oweth & unjustly detaineth	Liber N N
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And whereupon the said Richard by Robert Carvile his Attorney complaineth, that whereas the said Charles upon the fourth day of May in the yeare of our Lord One thousand six hundred seventy seven by his certaine bill or writeing obligatory sealed with the Seale of him the said Charles & here in Court produced whose date is the day & yeare abovesaid, did confesse and acknowledge to haue received of the said Richard Mitchell M^rchant of Plymouth in bills & accompts amounting to Eleaven thousand twenty & fiae pounds of tobacco And also in Goods to the Value of twelve pounds Eighteen shillings & fiae pence sterling Money, for the which account & bills & Goods he did binde himselfe his heyres Exec^{ts} & Adm^{ts} in twenty thousand pounds of tobacco to giue unto the said Mitchell or his lawfull Attorney a just accompt of the abovesaid accounts bills & Goods Yet notwithstanding the said Charles a true & just accompt of & for the said accompts bills & Goods to him the said Richard though often thereunto requested hath not given or rendred but the same to giue & render hath hitherto denyed & refused & still doth deny & refuse By which action is accrued to this Def^t to have & require of the said Charles Hea the said Sum^e of twenty thousand pounds of tobacco, & thereupon he bringeth his suite.

And the said Charles Hea by Kenelm Cheseldyn his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto him, the same day is giuen to the plaintiffe also

Now here att this day to witt the thirteenth day of March in the fourth yeare of the Dominion of Charles Lord Baltemore &c Annoq̄ Doni 1678 cometh as well the said plaintiffe as the said Defend^t by their Attorneys aforesaid And the said Defend^t by his said Attorney saith, that the said Richard Mitchell his action aforesaid upon the writeing aforesaid ought not to haue, for that he saith that after the Scaling & delivry of the writeing aforesaid by him the said Charles to him the said Richard the said Richard departed this Province for England, not giueing notice to him the said Charles where to finde him, nor to whom in this Province or elsewhere to render an accompt, nor was an accompt of the same ever demanded of him the said Charles according to the tenour of the said writeing, without which itt was impossible for the said Charles to accompt, the which he allwayes was & still is ready to doe, & this he is ready to averr, & craves judgem^t whither the said Richard his action aforesaid ought to have Which being read & heard itt is