

Liber W. C. is the same day and Yeare above written acknowledge himself to owe and Stand indebted unto the said Jn<sup>o</sup> Cuningham of the City of Glassgoe Marchant in Scotland, in the Just and full Summe of ffive thousand Eight hundred and fifty pounds of good sound Marchantable leafe Tobacco in Caske, w<sup>ch</sup> summe of ffive thousand eight hundred and ffifty pounds of Tobacco hee did thereby promise & Engage to pay or Cause to bee well and truely paid to the said John Cuningham his heires Executo<sup>rs</sup> or assignes or his Certaine Attorney att some Convenient place in the said County and that Upon all Demands after the tenth day of October next ensueing the date thereof, to the true payment Whereof hee Did bind himself his heirs Executo<sup>rs</sup> and Adm<sup>rs</sup> firmly by those p<sup>s</sup>ents Notwithstanding w<sup>ch</sup> the said Nicholas Proddy in his life time Nor the said John Addison Since his death though often thereunto Required Exec<sup>r</sup> of the last will and Testament of the sayd Nicholas Proddy. The Said Summe of ffive Thousand Eight hundred & fifty pounds of Tobacco to him the said John Cuningham in his life time hath Not paid according to the Teno<sup>r</sup> of the said writeing obligatory, Nor to the said Thomas John Robert and William Since his death Executo<sup>rs</sup> of the last will and Testament of the sayd John though often required but the same to them to pay hitherto hath and Still Denyes to pay to the Damage of them the said Thomas John Robert and William the summe of Tenn thousand pounds of Tobacco and thereupon they bring their Suite And the said Thomas John Robert and William bring here in Court the Letters Testamentary of the said John Cuningham to them granted That Itt may appeare to the Court here that they are Executo<sup>rs</sup> of the same and thereupon to have Administra<sup>o</sup>n

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And the said John Addison Adm<sup>r</sup> of Nicholas Proddy deceased by Robt Ridgely his Attorney Cometh and defendeth the force and Injury when &c and prayeth Liberty to Imparle hereunto untill next Provinciaall Court and Itt is Granted unto him the same day is given to the p<sup>lt</sup> alsoe

Att w<sup>ch</sup> said next Provinciaall Court Came the said partyes by their Attornyes aforesaid. and the said John Addison by his said Attorney sayth That the aforesaid plantiffes their Ac<sup>o</sup>n aforesaid of and upon the writeing obligatory aforesaid against him ought not to have, because hee sayth y<sup>t</sup> hee the said John Addison is, and att the time of the obtaining of the Originall writt of the said p<sup>ts</sup> and long before was Commorant and Inhabiting in st Maryes County, and that hee first had Notice of the said debt due from the estate of the said Nicholas Proddy deceased to the said John Cuningham deceased the first day of Aprill in the year 1678 and not before. before w<sup>ch</sup> time the said John Addison had fully administred all the goods & Chattles w<sup>ch</sup> were of the said Nicholas at the time of his death, And that hee hath noe goods nor Chattles w<sup>ch</sup> were of the said Nicholas at the time of his death in his hands to bee administred