

And whereupon the said Mary by John Blomfield her Attorney saith, that whereas the said Nicholas the third day of february Annoq̄ Doni 167 $\frac{1}{2}$ by his certaine bond or writeing obligatory sealed with the Seale of him the said Nicholas & here in Court produced, whose date is the day & yeare aforesaid did acknowledge himselfe to owe & be justly indebted to the said Edward Roe his heyres Ex^{rs} Adm^{rs} the whole & intire Summe of Eighteen thousand five hundred thirty & six pounds of good tobacco in caske the tenth day of Octob^r next ensuing the date thereof in some convenient place in Choptank River in the County aforesaid. Yet notwithstanding the said Nicholas the said Summe of Eighteene thousand five hundred thirty & six pounds of tobacco to the said Edward Roe in his life tyme, nor to the said Mary Ex^x of the last will & testament of the said Edward though often required hath not paid, but the same to pay hath refused & yet doth refuse to the retardation of the Execution of the testament of the said Edward, whereupon she saith she is damnified & hath losse to the Value of thirty thousand pounds of tobacco, & thereupon she bringeth her suite And the said Mary bringeth here into Court the Letters testamentory of the said Edward Roe, that itt may appeare she is Ex^x as aforesaid

Liber W. C.

p. 79

And the said Nicholas by Charles Boteler his Attorney cometh & defendeth the force & injury when &c and prayeth hearing of the Obligation aforesaid & itt is read unto him, he also prayeth hearing of the Condition of the said bond or writeing obligatory, & itt is read unto him in these words Viz^t The Condition of this Obligation is such, that if the above bound Nicholas Hacket his heyres Ex^{rs} Adm^{rs} &c or either of them shall well & truely pay & satisfie the above named Edward Roe his heyres Ex^{rs} Adm^{rs} or either of them the whole & entire summe of nine thousand two hundred sixty & eight pounds of good tobacco in caske the tenth day of Octob^r next ensuing the date hereof in some convenient place in great Choptank River, that then this Obligation to be void, else to abide & remaine in full force strength & Vertue as wittnes, my hand & Seale this third day of february Annoq̄ Doni 167 $\frac{1}{2}$ which being read & heard the said Nicholas by his said Attorney saith, that the abovesaid Summe of nine thousand two hundred sixty & eight pounds of tobacco unto the aforesaid Edward Roe in his life tyme according to the tenour forme & effect of the Condition of the aforesaid Obligaçõn did well & truely pay & render, that is to say, upon the tenth day of Octob^r next ensuing the date of the aforesaid Obligation in a convenient place in great Choptank river And this he is ready to averr, whereupon he demands judgm^t whether the aforesaid Mary her action aforesaid ought to haue against the said Nicholas &c

And the said Mary saith, that she by anything before alleadged ought not to barred from haveing her action aforesaid, because she saith, that the aforesaid Nicholas the abovesaid summe of nine thou-