Henry Pl. Thomas Cooke and Anne his wife Admx of All and
Singular the goods Chattels and Credits of Robert Downish late
of Kent County Planter deceased was summoned to answer unto
James Wroth of a plea that they render unto him the full and Just
sum of Two thousand Six hundred pounds of good Sound
merchantable Crop tobacco and Cask clear of all Manner
of Trash which from him they unjustly detain

And whereupon the said James Wroth by Richard
Mark his Att. Attorney saith that whereas the said Robert
Downish in his Life time the nine and twentieth day of October
Anno Dni 1680 at Kent County co in
the Dominion of this Court by his certain bond or writing
Obligatory sealed with his Seale as this Act and Deed delivered
and therunto court brought whose date is the day and year aforesd
did become held and firmly bound unto the said James
Wroth in the aforesd sum of Two thousand and six hundred lbs
tobacco qualified as aforesd to be paid unto the said James Wroth
his Exr Admr or Assignes to the which payment well and
truly to be made the said Robert Downish did bind him his
said Heirs Executors and Administrators firmly by the
bond or writing obligatory yet nevertheless the said Robert
Downish in his Life time the said sum of Two thousand six
hundred pounds of tobacco qualified as aforesd according to
the tenour of the said bond he hath not paid Neither hath
the said Anne whilst sole since the death of the said Robert
paid the same nor have they the said Thomas Cooke and
Anne his wife Admx as aforesd since their Espousals to the
said 5600 lbs of tobacco altho thereunto often required but the
same to pay have denyed and refused and still do unjustly
detain to the damage of the said James Wroth Eleven
thousand two hundred pounds of tobacco and thereupon the
Suitors that sueth Mach hinge pledges &c. Dn Do. Rd. Roe

And the said Thomas Cooke and Anne his wife in their aforesd
Capacity by Michael Earle their Attorney come & defend the wrong
&

force and Injury when &c. and prayes Oyer of the aforementioned
obligation and it is read unto them in these words viz.

The Condition of the above obligation is such that if the above
bounden Robert Downish his heirs Exr Admrs or any or
other well and truly to be paid unto the above named James Wroth
his heirs Exr Admrs or assigns the full and Just sum
of two thousand six hundred & three pounds of tobacco one third
at or before the tenth day of November next ensuing the date hereof
that then the above obligation shall be void and of no force
else to remain in full power force and virtue

And the said Admrs in their Capacity by Michael Earle
their attorney comes and defendes the force and Injury when
&c. and for plea saith that no process of Issue or other thing
be done against the said Defendants for that the said
Admrs in their said Capacities hath regularly paid divers
sums of tobacco &c. amounting to the sum of twelve thousand
six hundred and four score pounds which tantamounts the
intestate Estate as appears by an account therunto annexed
and here in Court produced and that they have not had nor
assetts of the said Intestate at the time of the plaintiffs
commencing his Suit to pay and satisfy the said plaintiffs
demand nor any part thereof all which they are ready to aver
and therefore the action aforesd ought not to be had and maintained
&c. and therefore they pray Judgment &c. Earle p Att.

The appraisement of Robert Downish Estate

Imps.	4 Cows and Calves	12 ll 00 ll 00
to	3 Heifers and Calves	7 ll — ll —
to	a Mare and year ling	4 ll — ll —
to	a horse	3 ll — s 00
to	2 gunns & a hand saw	2 ll 10 ll 00
to	Sixe plates two dishes pt. pots & funnels	— 12 ll 00
to	a Chest & Chest of drawers	2 ll — ll —
to	7 hogs	1 ll 8 ll 0
to	7 Young hogs	2 — 9 — 0

(and in 7