That Whereas the abs William Coode the first day of May Anno Dom 1708 at the Cty of St Maries had bargained & sold to the said John Contee in his Lifetime in the Sume of twenty Seven thousand pounds of good Merchantable tobacco for Divers Sumes of tobacco by the sd for good & sound Merchantable Leafe tobacco for Divers Sumes of tobacco by the sd for Coode before that Time had and Recd of Divers Sumes of tobacco by the Appointm[t] to the Use of the said John Contee the abs William Coode afterwards to wit the Second day of May Anno Dom 1708 abs at ye County of St Maries abs in consideration thereof upon his the sd abs assumed and to the said John Contee then there faithfully promised that he ye Said William the abs Sumyne of twenty Seven thousand Seven hundred and Ninety pounds of tobacco to the Said John Contee when afterwards thereunto required he should & would well and truely Content and Pay the sd abs William his Debt or Reasonable Assumption abs not regarding but minding & fraudulently Intending the Same sd in his Lifetime and the said Mary after his decease in this Ct to Craftily & Subtilly to deceive and Defraud the abs Sume of twenty Seaven thousand Seven hundred and Ninety pounds of tobacco to the Said John in his life or to the said Mary after ye decease of the said John although he was by the sd John in his Lifetime to Wit ye third day of May Anno Dom 1708 abs at St Maries County abs and by the said Mary after the decease of the Said John to wit ye first day of October Anno Dom 1709 at St Maries Entirely abs So doe requested hath not paid but the same twenty Seven pounds Thousand Seven hundred Ninety pounds of tobacco to him to pay hath refused and the same to the sd Mary to pay Still doth refuse in Evasion of the Exon of his Testament abs of the sd John Wherefore she Sayes she is the Worse and hath damage to the Value of forty thousand pounds of tobacco and therefore she brings this Suite &c and she brings in to Court ye Letrs Testamentary of the said John Contee by wch it may Swiftly appeare to the Court here ye Same Mary to be Exx of his Testament abs & thereof to have Advantage &c Alleges &c Ju Doct & Rog And thos William Coode by Cornelius Whitehead his Attr Comes and Defends the force and Injury when &c and prayes Leave to Imparle hereunto until next Court & he hath it and the Same day is given to the Plaintiffe also Att which said Next Court to wit the 10th day of April Anno Dom 1711 Come again the said Parties plaintiffe and Defend by their Attys abs and the said Defend by his said Attr prayes further Leave to Imparle hereunto to the next court and he hath it and the same day is given to ye plaintiffe also Att which said Next Court to wit the 17th day of July Anno Dom 1711 Come again the said Mary Contee Exx &c by her Attr abs and prayes that the sd William Coode to her declaration in the plaint abs may Answer but the sd William Coode tho Solemnly Called Comes not but makes Default whereby the said plaintiffe ought the said Defendant Wholy Undefended Wherefore the said Mary Contee Exx &c ought her damages by Occasion of the premisses agt the said William Coode to recover But because it is not known to her Majesties Justices here what Damages the said Mary Contee Exx as aforesd ought have Sustained by Occasion of the premisses

It is Commanded the Sherriffe of the County abs that by the Oaths of twelve honest and Lawfull men of his county aforesaid he Diligently Enquire what Damages the said Mary Contee Exx as abs has Sustained by Occasion of the premisses abs Besides her costs and Charges by her about Suite in this behalfe Laid out and Expended And that the Inquisition thereof he the sd Sheriff shall take to her Majesties Justices here the Next Court under his hand and Seale & the hands and Seales of the makers thereof And the same day is given to the said Mary Contee Exx as abs also