before defends the force and injury when and so forth, and
craveth Oyer of the Writing obligatory aforesaid, and the condition
aforesaid, and he hath it; which being read and heard the said
John Cochey saith that the said William his Action aforesaid
against him to have and maintain ought not because he saith
that he the said John Cochey from the time of the making of
the writing obligatory aforesaid in the declaration aforesaid
mentioned hitherto hath well and faithfully observed performed
kept and fulfilled every thing in the Condition of the said
writing obligatory to be by him observed performed fulfilled
and kept according to the form and effect of the said condition
to wit, at Baltimore County aforesaid, and this he is ready to
verify Wherefore the said John Cochey prays Judgment if the
said William his Action aforesaid against him to have and
maintain ought &c.ᵃ And thereupon the said John Cochey
Owings by his Attorney aforesaid prays that the said William
Goodwin surviving Obligee as aforesaid may reply to the answer
of him the said John Cochey Owings in the plea aforesaid;
Thereupon the said William Goodwin surviving Obligee as
aforesaid prays that a day may be given him untill the
second Tuesday of October next, and then to reply to the
answer of the said John Cochey Owings in the plea aforesaid,
and he hath it. Thereupon further process of and upon the
premises aforesaid between the parties aforesaid by order of the
Court here thereon is continued until the second Tuesday of October
next. At which said second Tuesday of October being the fourteenth
day of the same month in the year of our Lord one thousand
seven hundred and ninety four, to which day the said
William Goodwin had leave to imparle and then to reply to the
answer of the said John Cochey Owings in the plea aforesaid; come again
into the General Court here as well the said William Goodwin
surviving Obligee as aforesaid by his Attorney aforesaid as the
said John Cochey Owings by his Attorney aforesaid; and the said
William by his said attorney saith that he by anything alledged
by the said John in his plea aforesaid ought not to be precluded
from having his Action aforesaid against the said John because
he saith that the said John did not convey and make over by
a good and sufficient Instrument of writing over before the First
day of November seventeen hundred and eighty six the quantity of
(four)

four thousand acres of patented pre emption Land situate and Lying
in the Kentuckey settlement Commonwealth of Virginia as in the said
writing obligatory mentioned according to the Law of the Commonwealth of
unto the said William Goodwin and Thomas Rufell their Heirs or assigns
for ever as Tenants in common; as he the said John above in his plea
hath alledged, and this he is ready to verify wherefore he prays Judgment
and that his said damages may be adjudged to him &c.ᵃ And thereupon
on motion of the said William Goodwin by his Attorney aforesaid It is
ruled by the Court here, that the said John Cochey Owings Rejoin to
the Replication of him the said William Goodwin surviving Obligee
as aforesaid in the plea aforesaid or Judgment will be rendered
against him by default, And thereupon the said John Cochey Owings
by his Attorney aforesaid, prays that a day may be given him untill
the second Tuesday of May next, and then to Rejoin to the Replication
of the said William Goodwin surviving Obligee as aforesaid, and he
hath it. Thereupon further process of and upon the premises aforesaid
between the parties aforesaid, by order of the Court here thereon is
further continued untill the said second Tuesday of May next.

And now at this day to wit the said second Tuesday of May
being the twelfth day of the same month in the year of our Lord
one thousand seven hundred and ninety five to which day the said
John Cochey Owings had leave to imparle and then to rejoin to the
replication of the said William Goodwin surviving Obligee as
aforesaid in the plea aforesaid, come again into the General Court
here as well the said William Goodwin surviving Obligee as
aforesaid by his Attorney aforesaid, as the said John Cochey Owings
by his Attorney aforesaid, and the said William Goodwin surviving
Obligee as aforesaid, prays that the said John Cochey Owings may
rejoin to the Replication of the said William Goodwin surviving
Obligee as aforesaid in the plea aforesaid; but the said John
Cochey Owings altho' solemnly called, comes not but makes default
Whereby the said William Goodwin surviving Obligee as aforesaid
remains against the said John Cochey Owings thereof undefended;
Therefore it is considered by the Court here, that the said William
Goodwin surviving Obligee as aforesaid recover against the said John
Cochey Owings the sum of four thousand pounds current money
his debt aforesaid; as also the quantity of one thousand and one
pounds of Tobacco as well for his Damages which he hath sustained
by occasion of the detention of the debt, as for his costs and charges by
(him)