

p <sup>d</sup> to Richard Bradley vpon accompt	0015	Liber Z.
p <sup>d</sup> to Sergeant vaughan for dueties	0006	
p <sup>d</sup> to Rob <sup>t</sup> Percy vpon accompt	0012	
p <sup>d</sup> to m <sup>r</sup> white for his legacie	0200	
p <sup>d</sup> to Tho: Allen for a legacie	0200	
p <sup>d</sup> to ffrancis Rabnett vpon accompt	0045	
p <sup>d</sup> for charges of Court	0040	
p <sup>d</sup> to Rich: Lusthead vpon accompt	0030	

---

5663

so here is remaining 5211<sup>l</sup>

the m<sup>r</sup>ke of × Anne Smith

23<sup>th</sup> October 1638

This day came Thomas Hebden planter, and alledged an impedim<sup>t</sup> ags<sup>t</sup> the Probate of any will of James Hitches late of S<sup>t</sup> maries servant deceased, for that by a mutuall contract betweene the said James and Thomas, the said James had obliged himselfe to the said Thomas, and likewise the said Thomas to the said James, that their estates w<sup>ch</sup> they had in this Province should be ioyned in one, & neither of them have propertie in severall & apart from the other, in the estates so ioined or any part thereof, vntill it should be severed againe vpon such termes as in the said contract was agreed; & therefore that neither of them without the others consent should have power to dispose of any part of the said estate so ioined, either by will or otherwise, but the survivor of them was to enioy and reteine the whole. And he desired that this impedim<sup>t</sup> might be entred; & offered himselfe ready to prove the said allegation, whensoever he should be therevnto cited.

p. 87

Memorandum that the above named Thomas Hebden acknowledgeth himselfe to owe vnto Thomas Cornwaleys Esq and one of the Counsell of this Province five hundred weight of tobacco, in case he shall not appeare (vpon monition) to prove his said allegation, or shall not pay to the said Thomas Cornwaleys such costs and damages as the said Thomas Cornwaleys shall have adiudged to him, in default of his said prooffe

Tho: hebden

27<sup>th</sup> october 1638.

This day came both parties; & the said Thomas Hebden affirmed his allegaōn, and produced for his witsnesse John Cooke servant, who was sworne, & testified that he was pnt at the agreem<sup>t</sup> betweene James Hitches & Thomas Hebden for partnership on the 5<sup>th</sup> of ffebr; & that afore the said agreem<sup>t</sup> the said James Hitches in the hearing of the deponent