

Liber B. Charges and Such Damages as this Honble Court Shall award for the prejudice he hath received by the non paym^t thereof. And yo^r Petition^r Shall Ever pray

Mr ffancis Brookes by
Capt Willm Mitchell his Attorn } p^{te} } Upon Reading of an Order
John Dandy Defendant } made in this Cause 25^{to} Novem-
ber last whereby the Compt was directed to procure Some discharge or other note to Satisfie the Court what Tobaccos Colonell Nathaniell Littleton had received either of him the Compt or the Defend^t in Satisfaction of the debt in the Said Order Mentioned or other direct proove of paym^t And it being more made appeare unto this Court on the Comptes behalf that the Compt had paid to the Defendant in Bills accepted and to Colonell Litleton (as appeared by his Lres) 2810^l of Tobacco and Caske Soe as there remained only one hundred and ninety pounds of Tob:
P. 436 and Caske unpaid of the three thousand pounds of Tobacco for Security of paym^t whereof the Cattell in question were Mortgaged or bound over to the defend^t which one hundred and Ninety the Compt was ready to pay, It is therefore upon full hearing what could be alledged on either party now Ordered that the Compt paying to the defend^t the Said one hundred and Ninety pounds of Tobacco and Caske he the Said defend^t is to deliver all the Cattell he received upon the Bill of Mortgage with their Increase to the Compt at S^t Inegos ffort, and is alsoe to Secure the Said Compt from all Damage he may happen to Sustaine by the defend^{ts} not paym^t of the Remainder of the Tobaccos payable to Colonell Litleton for the Shallop. But in regard the def^t had Some Cause as appeared to the Court to question the paym^{ts} before mentioned the whole Charges of Court in this Cause is Equally to be borne and paid by both parties in this Suite.

Capt William Mitchell p^{te}
Lt Nicholas Gwyther Sheriffe def^t } The Compt declaring against
} the def^t upon an Action of the Case for that he the defend^t being Sheriffe of S^t Maries County Served a Writt of Execucōn upon his the p^{tes} Estate granted by one who (as the p^{te} alledged) had no power to grant the Same and before a former Execution made out against his p^{son} was duely returned. And for that the Said Sheriffe Contrary to the Law of England (as the p^{lt} alledged) had Administred an Oath unto the Appraisers upon that Execution for the true Apprais^t of the Estate Executed, which he had not power to doe, And had alsoe taken into his possession a Wastcoate of the p^{tes} w^{ch} was not at all valued or Executed to the Comptes great Damage as he pretended To which the Sheriffe Answered that his proceedings in the