

Liber to depose, th<sup>t</sup> hee hath bene allready prosecuted in this busines by  
 P. C. R. one Robert Gray in behalfe of M<sup>r</sup> Rock, & uppon discussing of the  
 busines, the s<sup>d</sup> Rob<sup>t</sup> Gray did declyne the s<sup>d</sup> prosecuōn, Declaring  
 that if hee did proceed, th<sup>t</sup> it would bee to M<sup>r</sup> Battins wronge, & soe  
 desisted, And by reason that there is a dowble interpretaōn, concern-  
 ing standing to the marktett, & only by inference & consequence Wee  
 conceiue not by Law but by Equity to bee decided. Wittnes Our  
 hands Edward Prescott Augustine Herrman.

To the hon<sup>bte</sup> the Gouverno<sup>r</sup> & Councell.

Whereas Cap<sup>t</sup> Battin is bound by his specialty to pay 25<sup>t</sup> Sterl to  
 M<sup>r</sup> Rock, I doe understand the Busines thus, & this is my Opinion.  
 That Cap<sup>t</sup> Battin ought to haue Shipped soe much Tob, as would  
 haue produced 25<sup>t</sup> Sterl, the Debt mentioned according to the teno<sup>r</sup>  
 & expresse words of his Bill.

And whereas there is 3<sup>d</sup> ½ p<sup>r</sup> f. mentioned for the prize of the Tob,  
 that Cap<sup>t</sup> Battin was to Ship in the Country, I understand, th<sup>t</sup> hee  
 was to be allowed soe much p<sup>r</sup> f. in case the Tob were eyther lost, or  
 damnified att<sup>t</sup> Sea, & not otherwise. The Bill expressing in these  
 uery words, That Cap<sup>t</sup> Battin shall stand to the marktett, And this I  
 signify, being chosen as an Arbitrato<sup>r</sup> in the s<sup>d</sup> busines depending  
 betwixt M<sup>r</sup> Rock & Cap<sup>t</sup> Battin, as Wittnes my hand ffeb. 29<sup>th</sup> 1659  
 Rob<sup>t</sup> Slye Nich: Spencer.

The s<sup>d</sup> Reports being Read, & the Accompts perused, The Judgm<sup>t</sup>  
 of the Board is That the dēft ought to be allowed for th<sup>t</sup> 350<sup>t</sup> Tob  
 charged damnified in the pffs Accompt, from the pff, att 3<sup>d</sup> ½ p<sup>r</sup> f.  
 Vid. fol. 363 And for th<sup>t</sup> other money allso acknowledged payd in the s<sup>d</sup> accompt,  
 Both w<sup>ch</sup> amount to 9<sup>t</sup>, 12<sup>s</sup>, 3<sup>d</sup>. Soe th<sup>t</sup> there Remaines of the Ac-  
 compt to ballance 15<sup>t</sup>, 7<sup>s</sup>, 9<sup>d</sup>. It is therefore Ordered that the dēft  
 satisfy or pay unto the pff the s<sup>d</sup> summe of ffiueteene pownds, seauen  
 shillings, nine pence sterling: or goods to th<sup>t</sup> ualue.

John Collins Know all men by these p<sup>nts</sup> th<sup>t</sup> I Elizabeth Potter Widow doe  
 v. Elizabeth constitute & appoynt my louing ffreind John Metcalfe of the prou-  
 Potter ince of Maryland gent<sup>n</sup> my true & lawfull Attorney, in all causes  
 p. 355 wherein I shall bee eyther pff or dēft for this p<sup>nt</sup> Prouinciall Court.  
 And what my s<sup>d</sup> Attorney herein, I doe ratify & allow, as wittnes my  
 hand this 23<sup>th</sup> of ffeb. 1659 The mark of  
 Wittnes Nicholas Gwyther Marks Pheypo. Elizabeth A Potter

The pff informeth the Board, how th<sup>t</sup> hee receiued and marked a  
 hogshead of Tob for his owne use, w<sup>ch</sup> was payed him by the dēft  
 for goods bought of him. But since the dēft hath otherways disposed  
 of the same hogshead againe, after it was brought on board, to the  
 Captaine or Master of the Ship.

Cap<sup>t</sup> Miles Cooke sayth uppon oath in open Court, th<sup>t</sup> Elizabeth  
 Potter came to this Depon<sup>t</sup>, & agreed w<sup>th</sup> him for a ffeatherbed: &