

Liber
P. C. R. the def^t (as may p^{tly} be Conjectured att) out of the def^{ts} answer
and which the Comptt is ignorant of may be aboute 6000th tobacco
att leaste which in fine is the whole Summe of Eight thousand pounds
of tobacco Now againe since the def^t hath solde the same land for
5000th tobacco more to his Brother Tettershall w^{ch} he hath or is to
receiue though att three yeares paym^t as he Conceiueth, The Comptt
humbly beseecheth this hono^{ble} Co^{rt} to consider whether the def^t will
not haue satisfaccōn according to his first bargaine, if he may goe
away with all these seuerall paym^{ts}? Lastly in all humillity he
beggeth that the Co^{rt} uouchsafe tenderly to looke upon the Orphan
for if he loose both his ffreehould and soe much tobacco to, That
tobacco is more then the def^t sold the land for, the second tyme to his
Brother Tettershall as aforesaid

As to the other the Comptt shall not Complye att p^rsent but he
shall pray &c. W^m Euans

p. 1075 To the hono^{ble} Philip Calvert Esq^r Chancello^r by denyall
thereof for that the Sale p^rtended made to John Greenwell was never
perfected by any ackknowldgm^t thereof made in Co^{rt} or by other
matter of record, things without some one of which an Estate of
inherritance is not transferrable by lawe except only in cases teste-
mentary where a Testators will script may convey an Inherritance
Consequently the def^t had a lawfull right to sell the land to Tetter-
shall without the Redeliuery of the Pattent, made by the feoffees to
him the s^d def^t much more when they had deliuered itt up to him for
that redeliuery Confirmed their vnderstanding of the bargaine which
had passed betweene John Greenwell to be the same with his this
def^t (vizt) That on non paym^t of the price def^t was to dispose
of the said lands inheretance to his best benefitt for his satisfaccōn
which also their silence in th^t thing when they knew of his p^rtending
to sell & made noe contradiction thereto farther manifested

Secondly that such was the Intencōn att the makeing the bond
betweene himselfe, and Grinwell the def^t hath already deliuered on
oathe And he is also ready to depose & by others to proue itt; vpon
what Condicōns the Feoffees deliuered him the Pattent which also
will further manifest the p^rmisses

Thirdly to putt another Sence upon the Bond will be in effect to
deceiue the def^t of a considerable Summe of tobacco bargained for by
him with John Greenwell but by noe other meanes then the lands
sale recouerable

As for what may be alledged that in conscience after his owne
principall Sume and damāges first satisfied to him this def^t if by
the Sale made to Tettershall or other way any overplus of tobacco
raysed out of Interests of Grinwells will be in the def^{ts} hands then in
equity the s^d def^t ought to pay that Overplus to the Orphant the def^t
allowes of the propositiōn & is willing to consent therevnto But his
apprehensions are that the Busines well examined the State thereof