

that if she doe bring a Mare foale, before M<sup>r</sup> Starkeys Mare that  
itt shall be given to Ignatius Warren Now soe itt is may it please yo<sup>r</sup>  
Honors that vnknowne to the Donator the said Mare of Thomas  
Mathews did first bring a Mare foale which properly belongeth to  
yo<sup>r</sup> pet<sup>rs</sup> Child It being a maxime in Lawe that animum Testandi is  
ever to be observed and followed for Edward Cotten not knoweing  
when he made this will that the Mare of young Thomas Mathews  
(which three dayes . . . had brought forth a Mare foale) had . . .  
Ignatius to have the first

Liber  
P. C. R.

The p<sup>l</sup>t sues p[ro]ut in pet<sup>n</sup> The def<sup>t</sup> produces a Generall discharge  
from the said John Warren and further pleades that the foale be-  
queathed dyed before demand made of the legacy Ordered that M<sup>r</sup>  
Thomas Mathews proue that the first foale of the Mare bequeathed  
to Ignatius Warren his Sonne given by Edward [Cotten] . . .  
deceased be dead or lost before demand made by the next Provinciaall  
Co<sup>rt</sup>

p. 1110

The Administrato<sup>rs</sup> of Cott John Price Confesseth Judgem<sup>t</sup> in  
open Co<sup>rt</sup> to John Nutthall in the Summe of three hundred and  
Eighty pounds of Tobacco two Armes Length of Roanoke and one  
pound of Beaver.

Nuttall v.  
Prices  
Adminr.

The humble peticōn of Thomas Gerrard Sheweth That yo<sup>r</sup> pet<sup>r</sup>  
Commenced a Suite in New Towne Co<sup>rt</sup> against one George Rey-  
nolds for Tobacco due by Bill in which Suite the Attorney of yo<sup>r</sup>  
peticon<sup>r</sup> was non suited vpon a p<sup>t</sup>ence of a Statute that noe bill shall  
be sued but in the County where itt was made

Gerrard v.  
Reynolds

The p<sup>r</sup>misses Considered itt is the humble desire of yo<sup>r</sup> pet<sup>r</sup> that yo<sup>r</sup>  
Honors would be pleased to Consider the greate Inconveniencies  
that soe dangerous a p<sup>r</sup>sident may bring in this Province and graunt  
vnto yo<sup>r</sup> pet<sup>r</sup> an order for his just debt and he shall pray

The def<sup>t</sup> denyes that he owes any thing to the said Thomas  
Gerrard and the said Gerrard not being able to prove any debt due  
to him selfe, but only a Bill due to Speake he is Non suited

Fryday the 10<sup>th</sup> of October . . . past demise grant and to farme  
Lett vnto yo<sup>r</sup> pet<sup>r</sup> a parcell of land lying and being in this Province  
comōnly knowne and Called by the name of the Herring Creeke plan-  
tacōn, being formerly the land of his Brother Thomas Bushell de-  
ceased, and Comeing and discending due to him as heire in Lawe  
from his said Brother Cout, aboute three hundred acres of land, with  
all buildings Edifices and Ereccōns therevpon for a certaine tearme  
of yeares expressed in the s<sup>d</sup> deed or Lease.

Oct. 10  
Evans. v.  
Hill  
p. 1111

Which land and building when yo<sup>r</sup> pet<sup>r</sup> came to possesse and  
Enjoye he found one ffrancis Hill in present possōn there of employ-  
ing and makeing Trespass and waste vpon the same, and although