

Def<sup>t</sup> sayth in answere that the sume of Thirety thowsand pounds of tobacco is not forfeited, and put's himselfe uppon tryall to the Court— Liber B B

The Court Considering the Bond and pet<sup>n</sup> findes it not forfeited, untill the p<sup>l</sup>t susteynes damage by being security for the def<sup>t</sup> Whereupon the p<sup>l</sup>t by his Attorney W<sup>m</sup> Caluert Esq<sup>o</sup> nonsuites their acc<sup>o</sup>n.

The Court adjourns till the afternoon

All mett as before except the Leiuenn<sup>t</sup> Generall absent

The Hon<sup>ble</sup> Philip Caluert Esq<sup>o</sup> Chancello<sup>r</sup> and now Judge in Co<sup>rt</sup>

William Hollingworth P<sup>l</sup>t } The p<sup>l</sup>t now sues according last Order [p. 482]  
 Thomas Wynne D<sup>ft</sup> } of Court in folio 406, superdus beinge  
 seru'd, uide folio 437 w<sup>th</sup> the scire facias in folio 449, the errors being  
 now read put in last Court by the p<sup>l</sup>t w<sup>th</sup> the pet<sup>n</sup> In folio 405 ags<sup>t</sup>  
 which the def<sup>t</sup> is Ordered to put in his Objections, which are as  
 followeth—

The Defendants Answere

- 1 Walter Pakes and William Price were Euidence as well as Hannah Lee—
- 2 Price was not then Concern'd being M<sup>rs</sup> Lees Seruant—
- 3 That Act of Assembly is Concerning the forme of Proceedings at law and M<sup>r</sup> Hollingworth Ought then to haue taken the advantage of it before hee Ioyned issue—

Put to the uote error or not

M<sup>r</sup> Cowrsey error

M<sup>r</sup> Brooke not

M<sup>r</sup> White not

Coff Euans being formerly concern'd desires to be excus'd from giuing his note—

Chancello<sup>r</sup> Error

Being equall uote and the Chancello<sup>r</sup> as Judge It is Ordered that the Execu<sup>o</sup>n be respited and the meritts of the whole Cause giuen in and tryed by the next Assembly—

Edward Richardson p<sup>l</sup>t } Retracted—  
 William Price Def<sup>t</sup> }

John Norwood P<sup>l</sup>t } The p<sup>l</sup>t sues as in pet<sup>n</sup> folio 422, the deft  
 Tho: Hammond Def<sup>t</sup> } puts in his Answere by his Attorney Thomas  
 Nottley on the back side of the declara<sup>o</sup>n and pleads not Guilty and  
 puts himselfe uppon the County for tryall—

This Cause being formerly Commenc'd, and the proceedings read as in folio 119, wherein is exprest the said tobacco to be received of Jn<sup>o</sup> Hamond and not Tho: Hammond though paid away by his