

it is also affirmed by the oaths of william Allen and Elisabeth Att- Liber A
wicks that Richard Trew sayd th^t hee had sould his Land and Planta-
tione and had giuen Possession thearof unt walter Ges

the Precedant oaths prouing that thear was a bargaine and a deliuerie
it is thearfor ordered that the defendant make good his bargaine
unto the Plantieue and deliuer him the Pattents for the sayd Land.

M^r James Linsey Plantieue } The Plantieue Aresting the defendant in
Hennerie Lillie Defendant } an actione of the Case prefereth his
Petitione as falloweth :

To the Worshipful Commissi : of Charleses Countie the humble Pe- 107
titione of M^r James Linsey most humbly Sheweth that your Petitioner
agreed with Hennerie Lillie for fiae tone of Caske to bee set up
by the last of October A^o 1658 and for the trew performance thearof
the sayd Lillie passed unto your Petitioner a conditione under his
hand which conditione hee hath falsefied and your petitioner is
thearby much damnified The Premisses beeing taken into your Seriu- [p. 53]
ous Considerations your Petitioner most humblie Craueth A Reliefe
for his dammages according to law and Equitie and your Petitioner
shal Pray

The Defendant prouing that it was the Planttiues Default in not
fetching the timber for the Sayd Caske according unto bargaine it
is thearfor ordered that the Plantieue shoold bee nonsuited

Whearas it was Ordered at a Court held in Charleses Countie the
26 October A^o 1658 that in Case thomas Mathews Attorney for 108
Richard Couell did not giue unto M^r William Batten Securitie for
the fifth years Seruitude of Edward goodman Sayer, that then an
Attachment was to bee issued forth against the sayd Richard Couels
Estate, the sayd Mathews not giuing any Securitie Thees are thear-
for in the Lord Proprietaries name to will and requir you to attache
Any the goods or debts in this Prouince of Richard Couels Marinor
to the valew of too thowsand nine hundered pounds of tob: at the
Suit of M^r William Batten and returne this your warrant at the
Court held in Charleses Countie the Second of may next. hearof
fayle not as you will answer the contrarie at your peril and then and
their Returne this your write giuen under my hand this 26th of
March A^o 1659 Josias Fendall

Attached in order to this aboue mentioned Writte in the hands of
Capt: William Battine too thowsand nine hundered pounds of tob:
and Caske the 23th of April 1659

Per me Nicholus Gwyther Sherriffe

The Precedent Attachment beeing serued upon the estate of Rich-
ard Couell Marinor and his Attorney M^r Thomas Mathews hauing
had notise thearof by the Sherife who taking no order concerning