

Liber FF wherefore the defend<sup>t</sup> Cannot haue the benefitt of the said Act of Assembly specialtyes onely being excepted therein

Therefore Ordered that the Jurys Verdict bee Entred for Judgm<sup>t</sup> and that the defend<sup>t</sup> doe satisfy unto the plt the said sume of nine Thowsand thirety Six pounds of tobacco w<sup>th</sup> Cost of suite, Otherwise Execucon to issue ag<sup>t</sup> the said Elizabeth Leitchworth Boñ propriū hauing made herselfe lyable thereunto by a devastavit allready found & adjudg'd of by the Justices, upon the def<sup>ts</sup> pleading she had fully Administrated which was otherwise found upon her Accompt Exhibited this Court as aforesaid

[p. 671] Ordered that John Potts doth satisfy and pay unto John Green for his and his wiues Attendance being by him sumoned to testify ag<sup>t</sup> James Godsgrace et ux on behalfe of the L<sup>d</sup> Proprietary the sume of Six hundred pounds of tobacco there being no Indictm<sup>t</sup> found ag<sup>t</sup> the said Godsgrace uel ux

Peter Bawcomb plaintiff } Morecroft p̄ quer<sup>r</sup>  
Robert Nab defendant } Nottley p̄ defend<sup>t</sup>

The plt sues the defend<sup>t</sup> in a plea of trespasse upon th<sup>c</sup> Case for that the defend<sup>t</sup> did finde and Conuert to his owne use one sloop of the plt<sup>s</sup> w<sup>th</sup> Apparell tackle and furniture all to the ualue of Twelue Thowsand pounds of tobacco

The def<sup>t</sup> not hauing his plea ready in writing uerbally pleads an abatem<sup>t</sup> to the writt, for that the defend<sup>t</sup> was taken by a wrong name

The plt and his witnesses being not p<sup>t</sup>sent (though sumoned) to proue the plt<sup>s</sup> declaracon, the plt<sup>s</sup> Attorney Craues a reference untill next Court alleadging that the def<sup>t</sup> upon Crauing an Abatem<sup>t</sup> ought to be semper paratis wherupon the def<sup>t</sup> put's in his plea in writing, which the plt excepts against and still urgeth for a reference

Judgm<sup>t</sup> of the Court that noe reference ought to be granted to the plt: whereupon the defend<sup>ts</sup> plea is receiued (uizt)

And the said Robert by Thomas Nottley his Attorney comes and prayes that the said writt may be abated, because hee saith that at the time of the seruing of the said writt hee was Called Rob<sup>t</sup> Knap and not Robert Nab as was allwayes before that time soe Called and euer since (went by that name) all w<sup>ch</sup> hee is ready to uerify and thereof prayeth the Judgm<sup>t</sup> of the Court and that he be dismiss w<sup>th</sup>out further answer

The plaintiff suffers a nonsuite

Whereas w<sup>m</sup> Harrice and [blank] Dawson was sumoned to Answer what shall be Objected against them for Contemptuous speeces and the Euidences not appearing It is Ordered That they giue in Security for their appearance att the next Prouin<sup>all</sup> Court & in the meane while to be of the good behaiour, and that John Burrage & Fran: Killburne the witnesses be then summoned to appeare