

directed unto m<sup>r</sup> Tho: Mannyng and George Peake a Certaine writing did produce to them alleadging it to be the last will and testam<sup>t</sup> of the said Robert Brasseiur but the wittnesses which were inserted in the Com<sup>con</sup> and brought by the said Touey Frost and Smyth to proue that writeing to be the last will & testam<sup>t</sup> of the s<sup>d</sup> Rob<sup>t</sup> Brassieur, did sweare that they did sett their hands as wittnesses to the will at the request of Cap<sup>t</sup> John Cobreth but did not know whether it were the last will of Rob<sup>t</sup> Brassieur or words to th<sup>t</sup> effect as may more at large appeare by their depositions now in the Custody of the Rig<sup>t</sup> Hon<sup>ble</sup> the Gouverno<sup>r</sup>, soe that the said m<sup>r</sup> Thomas Mannyng & m<sup>r</sup> George Peake Return'd the Comm<sup>con</sup> and could doe nothing there anext

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Whereupon the def<sup>t</sup> as Guardian to Rob<sup>t</sup>: Brassieur Jun<sup>r</sup> next Heire to Rob<sup>t</sup> Brassieur Sen<sup>r</sup> did apply himselfe to the Rig<sup>t</sup> Hon<sup>ble</sup> the Gouverno<sup>r</sup> and Cheife Officer for Probate of Wills and testam<sup>ts</sup>, & did desire letters of Adm<sup>con</sup> upon the Estate of Rob<sup>t</sup> Brassieur dying intestate which letters of Administra<sup>con</sup> the Hon<sup>ble</sup> the Gouverno<sup>r</sup> upon serious delibera<sup>con</sup> did grant to the defend<sup>t</sup> and receiued them in Febrary last past as by the letters of Administra<sup>con</sup> more at large appeares, a short time after the defend<sup>t</sup> went to the howse wherein Robert Brassieur dyed to performe the duty and Office of an Adm<sup>f</sup> according to Com<sup>con</sup> but the said Touey Frost and Smyth unjustly detained the Estate of the said Rob<sup>t</sup> Brassieurs and in Contempt of the Gouverno<sup>rs</sup> Comm<sup>con</sup> it was demanded of the defend<sup>t</sup> if he would fight for it whereupon the defend<sup>t</sup> Complained to the Hon<sup>ble</sup> Gouverno<sup>r</sup> who directed a warr<sup>t</sup> to the sherriffe of Caluert County to deliuer out of the Custody of the said Touey Frost and Smyth into the possession of the said defend<sup>t</sup> the Estate of the said Rob<sup>t</sup> Brassieurs which accordingly was done in part though the said Touey Frost & Smyth did then w<sup>th</sup>stand the Right Hon<sup>ble</sup> the Gouverno<sup>rs</sup> warr<sup>t</sup> and Comm<sup>con</sup> w<sup>th</sup> force and Armes ag<sup>t</sup> the peace and Governm<sup>t</sup> of his Lordshps Prouince soe that the defend<sup>t</sup> humbly saies that the Rig<sup>t</sup> Hon<sup>ble</sup> the Gouverno<sup>r</sup> his Ord<sup>r</sup> as in nothinge Erronious undue or extrajudiciall and ought to be reuersed upon any Petition but to stand and be in full force, w<sup>ch</sup> the defend<sup>t</sup> prayes &<sup>c</sup>:

After much debate in the premisses and all partyes heard on both sides It is Ordered that the said Tho: Touey Tho Frost and Thomas Smyth haue full possession of the lands of which they were lately Outed and that the same be againe to them restored

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Att a Court held att Newtowne for the County of S<sup>t</sup> Marys the first tuesday in Nouember 1665

P<sup>r</sup>sent Coff W<sup>m</sup> Euans Esq<sup>r</sup> Cuncello<sup>r</sup>

M <sup>r</sup> Tho: Dent	}	Leiut <sup>t</sup> Coff: John Jarboe	}	Comm <sup>rs</sup>
Cap <sup>t</sup> Luke Gardner		Cap <sup>t</sup> W <sup>m</sup> Boarman		
M <sup>r</sup> W <sup>m</sup> Bretton		M <sup>r</sup> Randolph Hanson		
M <sup>r</sup> Nic <sup>o</sup> Young		M <sup>r</sup> William Rosewell		