

Liber M M Samuel Winslow adm^r } John Bowles late of Charles County Gent
 Henry Webb } executor of the last will and Testament of
 ag^t } William Battin merchant deceased was at-
 John Bowles execut^r } tached to answer unto Samuel Winslow ad-
 W^m Battin } ministrator of the goods and Chattells of
 Henry Webb merchant deceased of a plea of
 trespass upon the case.

And whereupon the Said Samuel by John Morecroft his Attorney complaineth that whereas the Said William Battin in his life tyme to witt the twelfth day of September One thousand Six hundred fifty three Stood indebted to the said Henry Webb in his life time in the Summe of fifty five pounds foure Shillings three pence Sterling for divers goods and merchandizes before that time Sold by him the said Henry in his life time to him the said William in his life time In consideration whereof the said William in his life time did assume upon himselfe and then and there to the Said Henry in his life did faithfully promise that he the said William would Shipp in the first good Shipp as should present to him the full value in the best large merchantable tobacco at the rate of three pence P pound to be consigned to M^r Joshua Woolnough at the Kings head in Gratiou[s] Street London which tobacco was to be sold at the best by the Said Joshua Woolnough and the Said Henry Webb was to run the Riscs of the Seas and the Said Battin to stand to the markett prices and if the said quantity of tobacco did clearely give more then three pence P pound all charges deducted then the Overplus to be devided betwixt the sd Webb and Battin and for the performance the said Battin did bind himselfe in the double value Notwithstanding which the said William Battin in his life time nor the said John Bowles the executor after his death hath shipped the full value of the said fifty five pounds four shillings three pence Sterling at the rate abovesaid and the same consigned to the said Joshua Woolnough as aforesaid nor the double Value of the said fifty five pounds foure shillings three pence Sterl to him the said Henry Webb in his life time nor to him the said Samuel after his death to whom administration of all and Singular the goods and chattells of him the Said Henry Webb within this Province was committed according to his promise hath not Satisfied according to his Promise aforesaid but the Same to him to pay and Satisfie doth altogether refuse whereupon he Saith he is dampnified and hath losse to the value of One hundred and fifty pounds Sterling and thereupon he bringeth his Suite. And he the said Samuel bringeth her in Court the said letters of administration to him by the Hon^{ble} Philip Calvert Esq^p Cheife judge for probate of wills and granting administrations granted by which it may appeare to the Court here that he is the administrator of him the Said Henry.

And the Said John by Robert Carville his Attorney Saith that the