

Liber M M nough or his assignes for compleateing the full Summe aforesaid And the said Henry Webb was to Stand to the adventure of the Said tobacco to England Notwithstanding which the said William in his life time nor the Said John Since his death the said Summe of Sixty pounds and eight Shillings Sterling to him the said Henry in his life nor to the said Samuel after his death hath not paid but the same to him to pay doth refuse and also whereas William Battin in his life time Stood also indebted to the Said Henry in his life time to witt the 29th day of September in the yeare 1654 in the Summe of three pounds five shillings for divers other goods and merchandizes by him the said Henry in his life time Sold to him the Said W^m in his life time in consideration whereof the said W^m did assume upon himselfe to pay to the said Henry in his life time in manner and forme as is above expressed Notwithstanding which the Said William in his life time nor the said John after his death the said Summe of three pounds five shillings according to the promise of the Said W^m in his life time hath not paid but the same to pay doth altogether refuse whereupon he Saith he is dampnified and hath losse to the Value of One hundred pounds Sterling and thereupon he bringeth his Suite and he bringeth into Court the Said Letters of administration by the Hon^{ble} Philip Calvert Esq^r Cheife judge and Co^mmissary for the Probate of Wills and granting of administrations granted whereby it may appeare to the Court here that the Said Samuel is the Administrator of the goods and Chattells of him the Said Henry.

And the Said John by Robert Carvile his Attorney Saith that the said W^m Battin did not assume upon himselfe and to the Said Henry Webb promise in manner and forme as the Said Samuel hath above declared against him and of this he putts himselfe upon the Country and the plaintiff likewise. Therefore Co^mmand is given to the Sheriff of S^t Maries County that he cause to come here twelve &c who neither &c by whom &c to recognize &c because aswell &c.

p. 398 Now here at this day to witt the twelfth day of December in the 43th yeare of the Dominion of Caecilius &c came the Said Samuel by Kenelm Cheseldyn his Attorney and the Said John by Robert Carvile his Attorney and the jurors of that jury likewise came to witt Philip Lines John Bigger Richard ffountaine Lodowick Williams Richard Bayly George Marshall Thomas Doxey Thomas Gant Thomas Kemp John Hollins George Gunnell and Richard Rigell Who being impannelled Sumoned & sworne to Say the truth in the premisses upon their Oathes doe Say Wee find for the plaintiff that the defendant pay unto him Sixty three pounds thirteene Shillings and also foure pounds damages with costs of Suite. Therefore it is considered by the Court here that the Said Samuel recover against the Said John of the estate of the Said W^m Battin the summe of Sixty Seaven pounds thirteene Shillings as also the Summe of One