

Liber M M Six hundred Seventy foure Sealed with the Seales of them the said Philip and George and here in Court produced whose date is the day and yeare abovesaid did covenant promise grant and agree to and with the said John to pay him the said John or his Order the full quantity of twelve hundred pounds of tobacco to help to repaire & secure the fencing upon the plantation of him the said John to allow the said John or his Order Such Satisfaction as might be by any two indifferent men adjudged in worth for their not tending and housing what Corne was planted in the feild called Nicholas's Peece as also two thousand Corne holes more which they were formerly intended to tend & house for the Said John and also should One day in a weeke dureing Sider time help the said John or his Order in gathering of apples and quinces and makeing Sider and quince drinke and farther to doe any necessary thing whatsoever about the plantation as by the said articles of agreement it doth and may more fully appeare And the said John in fact Saith that the said Philip and George have not performed the Covenant aforesaid though often thereunto required but the same to doe & pforme have refused and Still doe refuse to the great damage of the said John whereupon he Saith he is dampnified & hath losse to the value of five thousand pounds of tobacco & thereupon he bringeth his suite And whereupon the said Philip Rossell and George Mathews by George Oldfeild their Attorney come and defend the force and injury when &c and say that the said John Blomfeild Ought not to have his action against them the said Philip and George for that they have performed all and Singular the Covenants betweene them made which on their Part Ought to be performed and Kept according to the forme force & effect of the said Articles of agreement and upon this they putt themselves upon the Country and the said John also Therefore it is comanded the Sheriff that he cause to come here twelve &c.

Now here at this day to wit the fiftenth day of ffebruary in the 43th yeare of the Dominion of Caecilius &c came the said John by his Attorney and the said Philip and George by their Attorney and
 p. 521 the jurors of that jury likewise came to wit John Balley John Luellin Richard Ackworth Morgan Jones Henry Rider John Hunt Thomas Doxey John Doxey Joseph Edloe Richard Ball Thomas Courtney & Stephen Murty who being impannelled Sumoned and Sworne to say the truth in the premisses the defendants appeared not but suffered judgment to passe against them by default Whereupon it is considered by the Court here that the said John recover against the said Philip and George his damages by Occasion aforesaid together with costs of Suite and the said Philip and George in mercy &c

Upon the Petition of ffrancis Partis Commander of the Shipp Prosperous of Hull and Edward Tarleton Comander of the Dublin