

Liber M M Nathaniel Heathcote of Our said County comitted And One Samuel Hatton by virtue of a letter of Attorney from Thomas Hatton executor of the said John Hatton who in this Our Province proved the said Will and On the behalfe of the said Thomas had Letters of Administration of all the goods & chattells of the said deceased granted unto him with cobby of the will thereunto annexed who Cited the said Nathaniel Heathcoate before Our judge for probate of Wills & granting administrations to render an accompt of the said John Hattons estate and did there by Libell exhibited make appeare before Our Said judge that a false inventory of the said estate was exhibited by the said John Brewer and the said estate according to inventory by the Said John Brewer exhibited to be wasted and imbezelled by him the Said John Brewer & no assetts remaineing to the Said Elizabeth Administratrix of the said John Brewer nor to the Said Nathaniel Adm<sup>r</sup> of the said Elizabeth to satisfie the damages of the said estate So wasted unto the Said Samuel Hatton adm<sup>r</sup> of the said John. Our Said judge for probate of Wills and granting adm<sup>r</sup>ions according to the Lawes of this Province hath assigned over the Said writeing in the nature of a recognizance to the said Samuel for his releife in the premisses These are therefore to will & require you by honest men of your Bailiwick that you make Knowne unto the said ffrancis Holland that he be before Our justices of Our next Provinciaall Court to be holden at the City of S<sup>t</sup> Maries the eighth day of December next to Shew if he hath any thing for himselfe or not to speake wherefore the aforesaid debt of One hundred thousand pounds of tobacco of the Lands & chattells of him the said ffrancis in the forme aforesaid acknowledged ought not to be rendred unto the said Samuel Hatton assignee of Us and lawfull Administrator of the said John Hatton according to the forme of the said writeing in the nature of a recognizance & have you there this writ and the same Sheriff maketh returne of the writ aforesaid that he be and appeare at the day & place as by the same writ he was comanded

At which said eighth day of December came the said ffrancis Holland by Robert Ridgely his Attorney and saith that by a certaine Act of Assembly of this Province entituled an Act for preservation of Orphants estate the judge in Testamentary business in case of wasting and embezelling of the estate by the former administrator that then the said judge by the said Act is impowered to assigne over the bond entering into by the former adm<sup>r</sup> and his Security to the new adm<sup>r</sup> to be releived against them for Such wasting and embezellment. And the said ffrancis Saith that the said writeing in the nature of a recognizance by the said Act to the said Samuel Hatton  
 p. 580 ought not to be assigned because he Saith the same is a recognizance and not mentioned in the said Act nor can issue be joyned & a jury be impannelled in this Court to try whether the said John Brewer did