

his heyres Ex^{rs} Adm^{rs} or assignes firmly by those p^rsents Notwith-
 standing which the said Samuel Boston the said sume of fourteen
 thousand Eight hundred sixty pounds of tobacco according to the
 tenour of the said bond or writeing obligatory in his life tyme to the
 said Nath^l Styles in his life tyme hath not paid nor the said James
 Mills since the death of the said Samuell to whom Letters testa-
 mentory of the last Will & testam^t of the said Samuell was committed,
 to the said Henry Stocket & James Stavely to whom Letters Testa-
 mentory of the last Will & Testam^t of the said Nath^l Styles was
 comitted although often demanded hath not paid or satisfied but
 the same to them the said Henry & James to pay doth still deny &
 refuse whereupon they say they are the worse & have damage to the
 Value of Eighteen thousand pounds of tobacco & thereupon they
 bring their suite.

Liber N N

p. 538

And the said James Mills by Kenelm Cheseldyn his Attorney
 comes & defends the force & injury when &c and prayeth the hearing
 of the said bond or writeing obligatory & itt is read unto him, he
 also prayeth the hearing of the Condiçõn of the said bond or write-
 ing Obligatory & itt is read unto him in these words, the Condiçõn
 of this Obligacõn is such, that if the above bound Samuel Boston
 doe well & truely pay or cause to be paid unto Nathaniel Stiles his
 heyres Ex^{rs} Ad^{rs} or assignes the full & just quantity of Seven thou-
 sand foure hundred & thirty pounds of large and bright tobacco
 cleere of ground leaves & trash with cask to containe the same att
 or upon the twelfth day of Octob^r next ensueing the date hereof That
 then this Obligacon to be void & of none effect, else to remaine in full
 forces & vertue. Which being read & heard, the said James Mills
 by his Attorney aforesaid prayeth judgem^t of the writt & declaracon
 aforesaid for that he saith the aforesaid Henry Stocket & James
 Stavely Ex^{rs} as aforesaid by the writt & declaracon aforesaid sup-
 pose that the aforesaid Samuell Boston was indebted unto the afore-
 said Nathaniel Stiles the sume of fourteen thousand Eight hundred
 & sixty pounds of tobacco, where truely & indeed there is not in the
 said writeing obligatory any such word tobacco contained & war-
 ranting the said word in the writt & declaracon aforesaid viz^t tobacco
 And in the said writeing is only writt & contained these words four-
 teen thousand eight hundred & sixty pounds, which generall words
 imploy no certainty of what nature & kinde the thing is that the said
 Samuell stood indebted unto the said Nathaniel Stiles, & so doth not
 warr^t the said writt & declaracon & this he is ready to averr, & pray-
 eth judgement as aforesaid of the said writt & declaracon & that
 the same may be quashed.

And hereupon the p^rmisses being seen & by the Justices here fully
 understood, itt seemeth to the same Justices here, that the said plea
 of the said Defend^t in abatem^t of the said writt in manner & forme
 aforesaid pleaded & the matters in the same contained are sufficient