

thirteen thousand five hundred pounds of good sound &
 merchantable tobacco and rask to be paid unto the sd Prigine
 Browne and Comp^{rs} their Heirs Ex^{rs} Adm^r or Assignes for
 performanc^e hereof the said James Smith bound himselfe his
 Heirs Ex^{rs} and Adm^r jointly and severally in the whole and for
 the whole firmly by those parties Yett notwithstanding the sd James
 Smith the said latter of 13200: of tobacco according to the ten^r
 of the said Bond unto the sd J^{ts} he hath not paid all the afore-
 demanded but the said to paye he hath denied and refused & he
 still doth deny and refuse to the damage of the sd J^{ts} 20000
 of tobacco and thereupon they bring this suit Marking off
 prods^r 4th J^{ts} 4th Dec^r 1640

And whereupon the sd James Smith by William Homsey his
 Attorney remotes and defends the force and injury wherby he
 prayes Oyer of the condition of the said obligation and it is
 Read unto him in those words the condition of the above obliga-
 tion is such that if the above bound James Smith his Heirs Ex^{rs}
 and Adm^r shall well and truly pay content and satisfie or cause
 to be paid unto the above Prigine Browne and Comp^{rs} their Heirs
 Ex^{rs} Adm^r or Assignes the full quantity of six thousand six
 hundred pounds of good sound Merchantable tobacco and rask
 convenient in the for River on demand that then the above ob-
 ligation to be void else to remain in full force and virtut in
 Law

And the sd Defend^t by the said Attor^y saith that in the Original
 writt it was mentioned onely to Answer unto Prigine and Comp^{rs}
 and the att^r producing to the Court Entry Book Jor^{ts} and
 Pet^r whereby it appears onely a Mispression of the att^r therefore
 it is ordered by the Court that the sd fault be Amended But the
 sd Defend^t putting in no other plea Quodm^r is Averred for so
 doth (and rask) mentioned in the Condition

Therefore it is considered by this Court that the J^{ts} Prigine Browne
 & Comp^{rs} doe Recover from the Defend^t last James Smith as well the afore-
 said summe of six thousand six hundred pounds of tobacco as also
 the summe of two hundred forty and three pounds of tobacco cost

William J^{ts} att^r