

Therefore it is considered by this Court y<sup>e</sup> Plaintiff  
Edward Swalnam shall recover from y<sup>e</sup> Defendant  
out of the Estate of y<sup>e</sup> Deceased fourteen hundred twenty  
nine pounds of Tobacco and Cost of Suit.

Chas King Clk

John ag<sup>t</sup> John

Item is: Elizabeth Ward Executrix of y<sup>e</sup> Late will & Testament of Benjamin  
Ward Deceased was Comend to Answer Edward Swalnam Gent  
in et alia that she Render unto him y<sup>e</sup> same of Nineteen hundred  
& Eight pounds of Tobacco which from him she unjustly retaineth  
The Whereupon y<sup>e</sup> s<sup>r</sup> Edward by W<sup>m</sup> Harris his Attorney Complaind  
to wit: That y<sup>e</sup> s<sup>r</sup> Benjamin y<sup>e</sup> Deceased in his Life y<sup>e</sup> seventh Day  
of May in y<sup>e</sup> year of our Lord God one thousand six hundred  
eighty & four did by his writing from Under his hand & Seale of  
him y<sup>e</sup> s<sup>r</sup> Benjamin cause himself to be bound to him y<sup>e</sup> s<sup>r</sup> Edward  
in y<sup>e</sup> afores<sup>d</sup> sum of Nineteen hundred & Eight pounds of Tobacco  
his Executors Administrators or Assignes: as will more at large  
appear by y<sup>e</sup> s<sup>r</sup> writing: yett y<sup>e</sup> s<sup>r</sup> Benjamin y<sup>e</sup> Deceased nor Executors  
y<sup>e</sup> Executors: y<sup>e</sup> afores<sup>d</sup> sum hath not Rendered the owing to y<sup>e</sup> s<sup>r</sup>  
of y<sup>e</sup> s<sup>r</sup> writing: But y<sup>e</sup> s<sup>r</sup> Edward hath refused to as yett  
Refuse: to y<sup>e</sup> Damage of y<sup>e</sup> s<sup>r</sup> Edward: y<sup>e</sup> sum of two thousand five  
hundred pounds of Tobacco & of this he brings his suite: Harris p<sup>r</sup>  
And he brings down to Court y<sup>e</sup> writing afores<sup>d</sup> w<sup>ch</sup> y<sup>e</sup> Deceased  
in forme afores<sup>d</sup> testified the whose Date is y<sup>e</sup> Day & yeare afores<sup>d</sup>  
And y<sup>e</sup> s<sup>r</sup> Elizabeth in her proper person Cometh to Defend y<sup>e</sup> s<sup>r</sup>  
& Injury when sh<sup>e</sup>: And for p<sup>r</sup>ba: saith: that y<sup>e</sup> s<sup>r</sup> Edward his action  
against her ought not to have: for that at y<sup>e</sup> Issuing forth y<sup>e</sup> original  
writt sh<sup>e</sup> was not Comitted: Executors of y<sup>e</sup> s<sup>r</sup> Deceased and of this she  
Demands Judgment of this worshipfull Court: By y<sup>e</sup> p<sup>r</sup>et Lic<sup>t</sup> Harris

This Court having Considered y<sup>e</sup> said Deceased & finding that y<sup>e</sup> s<sup>r</sup>  
Testamentary on y<sup>e</sup> Deceaseds will: was granted to y<sup>e</sup> s<sup>r</sup> Deceased  
y<sup>e</sup> original writt sh<sup>e</sup> should forthw<sup>rd</sup>ward Judgment for y<sup>e</sup> s<sup>r</sup> Edward  
for nineteen hundred & Eight pounds of Tobacco to be payed out of  
y<sup>e</sup> Estate of y<sup>e</sup> Deceased & Cost of Suite = =  
Therefore it is considered by this Court that y<sup>e</sup> s<sup>r</sup> Elizabeth Ward  
Inasmuch Recover from y<sup>e</sup> s<sup>r</sup> Edward out of y<sup>e</sup> Estate of y<sup>e</sup> Deceased  
Nineteen hundred & Eight pounds of Tobacco & Cost of Suite &