

X Liber N N James Neale } the plts Attorney moves for a new Elegit & it is granted
 ag^t }
 W^m Russell } unto him by the Court here.

p. 39 W^m Donning } John Barnes executor of the Last will & Testa-
 ag^t } ment of Walter Waterling late of the County
 John Barnes executr } of s^t Maries deceased was Summoned to
 Walter Waterling } answer unto William Donning of the City of
 Bristoll merchant of a plea that he render
 unto him the full & just Summe of fiftene hundred sixty & Seaven
 pounds of good Sound merchantable leafe tobacco in caske which
 from him he unjustly deteineth.

And whereupon the said W^m Donning by Robert Ridgely his At-
 torny Saith that whereas the Said Walter in his life time to wit the
 eighth day of July in the yeare of Our Lord One thousand six hun-
 dred & seventy by his certaine writeing Obligatory Sealed with the
 Seale of him the said Walter & here in Court produced whose date is
 the day & yeare aforesaid did acknowledge himselfe to be holden &
 firmly bound unto the said William Donning his heirs executors
 adm^{rs} or assignes or to his Attorney in his behalfe in the full & just
 Summe of fifteen hundred Sixty Seaven pounds of good sound mer-
 chantable leafe tobacco in caske to be paid at the plantation of the
 Said Walter or at some convenient place in s^t Maries River at or
 before the tenth day of October next ensueing the date of those
 p^sents To the which payment well and truly to be made he the Said
 Walter did bind himselfe his heirs execut^{rs} adm^{rs} or assignes firmly
 by those p^sents Yet the aforesaid Walter in his life time nor the
 aforesaid John Since his death to whom administration of all &
 Singular the goods Chattells & Creditts of him the Said Walter Since
 his death was committed the said fiftene hundred sixty seaven
 pounds of tobacco to him the said W^m according to the tenor of the
 same writeing Obligatory have not paid though often demanded but
 the Same to pay have denyed & as yet doe deny whereupon the Said
 W^m Saith he is dampnified & hath lost to the value of two thousand
 pounds of tobacco & thereupon he bringeth his suite.

And the Said John by Kenelm Cheseldyn his Attorney cometh &
 defendeth the force & injury when &c and prayeth liberty to imparle
 here untill next Provinciaall Court the same day is given to both
 parties here.

Now here at this day to wit the twelfth day of ffebruary in the
 yeare One thousand six hundred Seventy five came the said W^m
 Donning by his Attorney aforesaid & offered himselfe against the
 said John in the plea aforesaid but the said John Came not but made
 default Therefore it is granted by the Court here that the Said
 W^m Donning recover against the said John as aforesaid the said
 summe of fiftene hundred sixty Seaven pounds of tobacco the debt