of Tobacco due & owing to the said Lydia Wilson
In her life time nor the said Wm Smith after
the death of the said Lydia Rose but detained
& the same to wrongfully & unjustly Detained
the aforesaid Walter Rayne till the same to the said
Plaintiff to render & pay Damages & unjustly Detaining
the aforesaid Rents & Profits of the Plaintiff &
thereupon the said William saith that he is
Damnified & hath Damage to the value of
[illegible] hundred pounds of Tobacco & therefore
prays the Aide & the Damage Prouisio Cartae
with the writing & which witnesseth the
Debt & the time aforesaid & the Letters testamentary
of the said Wm Smith by which it sufficiently
appeare to the Court here the aforesaid William
to be Executor of the said Lydia of the Plaintiffs
aforesaid & therefore to recover the same &c

pledges Jno Doe
Richd Roe

And the said Walter Rayne in his Person
& by Cornelius Wilkes his attorney comes and
defends the force & Injury when &c and
prays Leave to imparle thereunto untill next
Court & he tells it & the Plaintiff Day is given
to the Plaintiff alike —

At which said next Court to wit the 14th
Day of September 1705 Comes again the
said parties by their attorneys & the said
Walter Rayne by his attorney & prays —
further Leave to imparle thereunto untill next
Court & he tells it & the Plaintiff Day
is given to the Plaintiff alike —

At which said next Court to wit the 14th
Day

May Court 1706

of May &c Anno Dni 1706 Comes again
the said parties by their attorneys & the said Defendant
Walter Rayne by Cornelius Wilkes his attorney
& tells as before Defends the force & Injury
when &c & for plea saith that the said
William Smith ought not to recover
against the said Walter for that the said
Walter never was seized of the said Pledge
Women & his Executors to Vse & therefore
prays Judgment whether the said William
Smith aforesaid ought to recover —

And the said William Smith although
solemnly called comes not nor doth he further
prosecute his writ In this plea against
the said Walter Rayne —

It is therefore by the Court here the said Defendant
per Curiam Memorand that the said Wm Smith
& his pledges of prosecuting &c in Mercy &c
& that the Name of his pledges be Enrolled
for &c & that the said Walter Rayne
go thereof without Day — & it is alike
considered by the said Court that the said
Walter Rayne recover against the said
Wm Smith the Sum of
pounds of Tobacco by the Court here adjudged
him for his Fee & Damages in this behalf sustained
& expended according to the Form of the Statute
In that Case made & provided &c

Philip Lynes } Memorand that Philip
age &c } Lynes obtained his Writ
Thomas Berry Nokes } against the Sheriff to wit of the Fine Pounds to wit
Jenner } In that 10 shillings & 0 pence

Anno