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Weight of Tobacco, in case he shall not appear (upon monition) to prove his said allegation, or shall not pay to the Said Thomas Conwaleys the costs and Damages as the Said Thomas Conwaleys shall have adjudged to him in Default of his said Proffe. Tho: Hebden.

27th Octob.r 1638

This day came both parties, and the Said Thomas Hebden affirmed his allegacon and produced for his Wittness John Cobb Servant, who was sworn and testified that he was present at the agreement between James Hitches and Thomas Hebden for partnership on the 5th of Octob. and that afore the Said agreem.t the Said James Hitches in the hearing of the Deponent had acknowledged and affirmed that the Survivor of them Two. (meaning James Hitches and Thomas Hebden) Should have all (meaning the others Estate) and that Thomas Hebden being in Danger of Sickness had left all by Will to James Hitches, and that Since the Said agreem.t he had heard the said James Hitches acknowledge that the Survivor of them Should have all and he further testified that Since the agreem.t mentioned, he heard the Said Thomas Hebden tell the Said James Hitches of a bargaine of the Plantation which he desired to make with one Randall Rebell, to which James Hitches dissented and hereby the Bargaine was Stopped. There was produced also on part of the Def. Robert porter and Sworn who testified that he heard the Said James Hitches Since the Said agreem.t complaine of the Said Thomas Hebden touching some accompts between them, to which the Deponent answering what need you trouble your self so much in it, Seeing Thomas Hebden Saith he is to have half of all you have, the Said James Replied as it were making strange at it, well let him look to himself if he play the knave with me I can play the knave w.th him, I can deale with him as he deals with me, he further testified that some few days before his death coming to him after Thomas Hebden had been with him the Said James Hitches Told the Deponent that he had reckoned with Thomas Hebden and that Thomas Hebden had frankly acknowledged 700 lb. of Tobacco and that when he remembred him of some other things he Excused himself that he had forgot them, and that they amounted to upwards of 900 lb. weight. And that Since he had remembred some other [illegible] which would [illegible] it up a Thousand and [illegible]

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ward that at another time he told the Deponent that now he had made an End and that he had a note under his hand for 1000 lb. and that at the making of his Will this Deponent heard him tell the Said Thomas Conwaleys that there was 1000 lb. of Tobacco due to him from Thomas Hebden, but he would but have 500 of him —

17th April 1639.

This day Thomas Gerrard and Henry Hooper Churgions deposed upon their Corporall Oath touching the Last Will and Testament of Richard Lee who deced at St. Johns on the Last day of March this present Year, in Manner and form following. That is to S. that the Said Richard Lee being of Perfect and Sound Sense and Memory though weak in body, and wished by the Said Thomas Gerrard to declare his mind how he would Dispose of his Estate after his Death, did answer and Say, First that his Will was that Humphry and Anne his Maid Should be free. Item he Willed that Mrs. Lewger Should have a Sattin Petticoat which was his Wives worth 10s. Item that the remainder of all his Estate after all Charges defrayed, Should be Sent to Mrs. Huberstine in England. Item he entreated Mr. Lewger and Mr. Egerton to be his Executors.

Thomas Gerrard
Henry Hooper.

Taken before me
John Lewger Secretary

Eodem Die, approbatum est hoc testamentum, pro Vero et ultimo Testamento Dicti Richardi Lee.

6. October 1639.

Richard Duke Serv.t to Mr. Dutton made oath that John Speed late Capt. Winters Servant died Lying upon his death bed said to this Deponent that his Will was that Richard Browne his fellow Servant Should have all such Tobaccos as were owing to him the Said John Speed and that out of the Same he desired the Said Richard Browne to pay Such Debts as he Ought as far as his Tobacco would reach.

This was proved for the Will of John Speed and the Said Richard Browne admitted to be Executor.

Henry Bishop and Simon Demibiel Gentlemen Cecilius &c. To Wi. This recognd Leonard Leonardson Lt.