

Liber M M p Cent for selling the said sev^rall goods wares and Marchandizes, and Receiving the Tob for the same and also the Tobacco due to the said John Gilbert upon the said sev^rall bills he the said Philip would well and truly pay unto the said John Gilbert, the produce and vallue of the said goods wares & Marchandizes as also of the said sev^rall bills Nevertheles the said Philip his promise and assumption so as aforesayd little regarding but shifting and fraudulently intending the said John Gilbert of the said forty Two Thowsand Eight hundred ninety and three pounds of Tobacco the produce of the said goods and Debts due upon the said bills to the said John Gilbert hath not payd or satisfyed although he hath beene thereunto oftentimes Required but the same to him to pay hath hitherto Denyed and as yet doth deny by meanes whereof the said John Gilbert the whole gaine proffit and advantage which he the said John with his said Tobacco, by buying and selling and lawfully bargaining might have had and gained altogether hath lost to the Damage of the said John Gilbert 50000^{lbs} Tobo and thereupon he bringeth his suite.

And the said Philip by Kenelm Chiseldine his Attorney doth come & Defend the force and injury when &c and saith he did not promise and assume in manner and forme as the p^t above in his Declaration hath Declared against him and of this he puts himself upon the Country, and the said John likewise.

Therefore Comand is given to the Sheriff of St Maryes County that he Cause to Come here the tenth day of December next before the Justices of the Provincial Court Twelve &c by whom &c who neither &c because aswell &c who neither &c to Recognize &c and the same day is given to both partyes.

At which day that is to say the Tenth day of December in the 40th yeare of the Dominion of Caecilius & Annoq̄ Domini 1673. came aswell the said John Gilbert by the said John Rousby his Attorney as the said Philip Shapleigh by the said Kenelm Chiseldine his Attorney and the Jur^{os} of that Jury likewise came, but in this Cause the Declaration being filed, and the Defend^t having pleaded thereunto, and put himself upon the Country to try the issue, and the p^t having Joined issue with him, and the Attornyes of both sides being p^rsent in Co^{rt}, and Consenting that the Defend^t shall account with the p^t It is the Judgem^t of this Court here that the defend^t doe account with the p^t sometime betweene this and the next Provincial Co^{rt}, and the Court doe hereby appointe Empower and desire M^r Benjamin Rozer and M^r Thomas Dent to take the paines handing in said account, and view all papers touching this Cause, and make their Report to the Co^{rt} here sometime towards the End of the next Co^{rt} how they advise it and to retorne the account Examined and stated as in their Judgem^{ts} they shall see fit to his Lo^{pps} Justices here by the End of the next Provinciall Co^{rt} that his Lo^{pps}

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