August Court 1705

Delivered unto him ye Said George Divers liquors and allsoe Did afford him Severall other ordinary accomodations as by a particular bill hereto annexed may and more Certainly appear ammounting in the whole to 1443 lbs Tobacco in Consideration whereof ye Said George upon ye first Day of June anno Dni 1703 Upon him Selfe assumed and unto ye Said Thos att his now Dwelling house of Entertainment as aforesd publickly promised ye he ye Said George ye aforesd Sum of 1443 lbs tobo unto ye Said Thos when he should be afterwards thereunto required would truely pay and Content, Nevertheless ye Sd George ye aforesd Sum of 1443 lbs tobo nor any part thereof Excepting three hundred & eighty pounds of tobacco for which he hath Credit Given him in ye aforesd acct hereunto produced & ought to be allowed in part of ye 1443 lbs tobacco unto ye Sd Thomas he hath not paid att this the same to Doe upon ye first Day of June anno Dni 1704 and Severall times Since he hath been thereunto required to ye Damage of him ye Sd Thos 285 lbs tobacco & thereupon he brings this his Suite &c

Philipson pl. ye Sledge, &c Jno Doe Rd Roe

This Suite was Continued from Court to Court untill this pSent Court att which pSent Court Comes ye Sd Plff by his atty aforesd who prayes ye ye Sd Deft may answer to his Decla aforesd, & thereupon Comes ye Sd Deft by Michael Earle his atty who Defends as followeth

Thomas Joce ag George Foxcon } And ye Said Deft by Michael Earle his atty comes & Defends the force & Injury when and &c and for plea saith ye he Did not assume upon himselfe as ye plff in his Decla hath Set forth & of this he puts himselfe upon ye Country

Earle pl. Deft

And the plff in like manner Philipson pl. Plff Issue joyned

Thereupon Comand is Given to ye Shff of Kent County ye he Imediately cause to come here twelve &c by whom &c who neither &c because of kin &c and the Sd Shff makes ret of his Sd precept the same Day & year and Saieth ye he hath here ready twelve &c as by his Said precept he was Comanded to wit Edward Ellett Edward Carrell Richard Mason Anthony Richardson Thomas Hindsley James Gould William young William Whitehead Richard Collins Homerey Green William Sigley Thomas Smith who being Duely Elected tried and Sworn to Say ye truth in the pmises; after hearing heard the pleadings & allegations on both sides; Doe Say upon their oathes we of ye Jury finde for ye Deft fifty pounds of tobacco for a mon Suit and Cost of Suit

Which being by ye Court heard and fully understood It is therefore Considered here by ye Justices this 2d Day of August anno Dni 1705 That ye Sd Thomas Joce Doe take nothing by his writ aforesd but be in mercy for his false Clamour and ye Sd Deft Joce thereof go hence without Day and it is likewise Considered ye same Day and year ye the Sd Deft recover against ye Sd plff as well ye Sum of fifty pounds of tobo ye Damages aforesd as ye Sum of pounds of tobo for his Cost & Charges Layd out & expended according to the form of ye Statute