

Liber A. absence the said M^r Charles Brooke being nowe p^rsent The Court proceeded to the hearing of the Cause. And the Comptes suite being to bee releived for 1560^l of Tob: and Cask Damages for 13. weekes service for two men according to a Coven^{nt} or Agreem^t of the 20th of August last witnessed by the Governor Willm Stone Esq^r and nowe read being as followeth viz. August 20. 1650. Mem^d the day and yeare aboue written agreed betweene Elwyn Bufkin Esq^r of the one party and Robert Brooke of Maryland Esq^r of the other party. That hee the said Elwyn Bufkin shall and doth hereby lett out vnto service two Menservants belonging to M^r Mitchell (one named Edward Philpott the other Vincent Atkinson) to the aforementioned Robert Brooke for 13 weekes next after and ensueing the date hereof. Hee the said Robert Brooke paying for every weekes service of these two men 120. weight of good merchantable Tobacco and Caske after the end of the said service. In witnes whereof the parties to these p^rsents interchangeably haue sett their hands
Signed in the p^rsence of Willm Stone. Robert Brooke

To w^{ch} clayme of the p^{tes} the defend^t by his said Lre and Attorney answered that hee owed him nothing, ffor that the Specialties being p^{vsed} the Court might bee pleased to observe that the def^t hired the Men ioyntly for 13 weekes service and at the end of their service was to pay soe much. And that till the p^{te} could prove that 13 weekes service noe Court vnder heaven could enioyne the def^t to give him one penny without the height of Iniustice & oppression. And that hee was sure the p^{te} could never prove. ffor Vincent one of the two men was absent noe lesse then full five weekes of the p^rtended thirteene, and that the p^{te} could not deny this and that if hee should hee the def^t had aboue 40 witnesses to depose against him. And that hee had vnder the p^{tes} owne hand and seale wherein hee acknowledged that one of the men had not served out his time, and that therefore hee wrote to M^r Henshawe to lett both the men worke some considerable tyme to make vpp that one mans absence, but this was not embraced by Cap^t Mitchell who by his menaceing Lre bearing date November 25. pemptorily commands them away vppon sight of it And though it was August the 20th that their Specialties beare date, yet was it August the 23th before Philpott was delivered him, the Governor then having occasion for the men to finish some worke and the p^{te} granting that hee should And after the 20th of November neither of them wrought a day, onely they stayed some dayes for their owne pleasure and that was all, And therefore the Case being soe cleere the def^t doubted not but the Court in all Justice would