

give him Costs & charges against the pte and dismisse the suite. Wherevpon the Compte produced the deposicōns of the said vincent Atkinson and Edward Philpott taken in open Court and being as followeth viz. Liber A.

The 11th of ffebr 1650. Vincent Atkinson aged about 20^y yeares deposeth as followeth viz That hee the said Vincent Atkinson did serue M^r Brooke of de le Brooke the full terme of three monethes vppon the Accompt of Levin Bufkin Esq^r And this depon^t farther saith that by the direccōn of M^{rs} Brooke this depon^t and three of the said M^r Brookes his servants went into the Woods to kill Venison or other provisions in respect of the p^rsent want in M^r Brookes his ffamily, and that this deponent had a Gunne delivered him by M^r Brooke for that purpose, and powder and shott delivered him by his the said M^r Brookes sonne, and that this depon^t and the rest with him lost themselues in the woods and came downe to S^t Maries where this depon^t was sicke, but was not in all that time entertayned by any of his Maisters servants or M^r Bufkin or any for him And with the first opportunity this depo^t with M^r Brookes his servants returned to the said M^r Brookes his House. And further deposeth not.

11th of ffebr 1650. Edward Philpott aged about 49 yeares deposeth as followeth viz. That he the said Edward Philpott did serve M^r Brooke of de le Brooke the full terme of three monethes vppon the Accompt of Levin Bufkin Esq^r and further deposeth not.

Vppon the reading of w^{ch} deposicōns and of the Comptes Lre to the def^t of the 9th of November last and of Cap^t Mitchells note to the said Philpott & Vincent dated the 25th of the same moneth both mencōned in the def^{ts} Answere It was thought fitt to referr the Tryall of this Cause to a Jury. ffor w^{ch} purpose the Sheriffe impannelled M^r Cuthbert ffenwick M^r Richard Hoskins M^r Edward Wormell M^r Thomas Mathewes M^r Phillipp Land M^r ffrancis Brookes M^r John Hatch Stephen Salmon John Buttery Edward Scurfield Willm Johnson and Luke Gardiner. who made choise of the said M^r ffenwick for their fforeman, and had in charge given them vpon oath to consider of the ptes demand and the def^{ts} Answere and of all the before mencōned and all other evidences heard on both sides, and therevpon to examine what time the said two servants did contynue in the def^{ts} service and what alloweance the Compte ought to haue for the same, and thereof to give in their Verdict. Which after some time spent therein they did accordingly being as followeth viz. The Jury findes for the plaintiffe according to his Condicōn which is ffifteene Hundred and Sixty pounds of Tobacco and Caske. It is therefore ordered according to the said Juries Verdict that the defend^t shall forth- p. 387