

Whearupon Edmond Lendsey the deputed Attorney in open Court of the sayd baker humbly craueth that the plantiue may show the defendants obligation for the deliuering of any more then hee hath already deliuered or any receipt to haue receaued more then hee hath again surrendered: which the Plantiue Could not doe

Liber B
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Whearupon it is ordered that the Plantiue shoold bee non suited and pay the Cost and Charge of suit :

Daniell Johnson Plantiue }
M^r Robert Sly Administrator } The Plantiue aresting the defendant
to Samuell Smith Defendant } in an action of the Case declareth it
to bee for a debt dew from Samuell Smith unto the Plantiue by specialty and the defendant disowning the debt desireth that the plantiue may prooue how hee Came by the bill whearupon the plantiue desireth that Jacob Johnson might haue his oath giuen him and Samuell dobson oath was desired by the defendant which was granted and are as followeth

Samuell Dobson sworne and examined in open Court sayeth that Concerning the bill in agitation hee hath nothing to say and sayeth that sumtime about the begining of March as hee supposeth hee was in Company with the sayd Johnson and M^r Gerrard at Capt William Battens hows and that Daniell and M^r Gerrard wear at Passage for a bill of M^r Hundlys that was dew to M^r Gerrard and the sayd Johnson hauing won that bill of M^r Gerrard thay played further in so much that the sayd Johnson won too thowsand pounds of tobacco of M^r Gerrard and Samuell Smith beeing thear Presant M^r Gerrard desired him to passe his bill to Daniell Johnson for too thowsand pounds of tobacco Samuell Smith alleaging that thear was eleuen hundered pounds of tobacco dew to him from Daniell Johnson out of the sayd bill hee past to him for M^r Gerrard: this tobacco beeing won on the saterday thear was bills past for it on the saboth day boath for this tobacco and the rest of the tobacco won ofy M^r Gerrard; upon the saboth day M^r Gerrard hauing them to Assigne as payment for the tobacco hee denied the Assigment of them and told the sayd Johnson that thay wear not Authenticke because thay wear signed on the sabboth day and further sayeth not

Daniell Johnson desireth that the sayd Dobson may bee sworn wheather this bill now in agitation bee the sam bill th^t was passed on the sunday

Samuell Dobson sworne and examined in open Court sayet that according to his formar oath hee can say nothing to the bill now in agation

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Jacob Johnson Sworne and examined in open Court sayeth th^t this bill hee witnessed between daniell Johnson and Samuell smith and that to the best of his Rememberance it was past on the sunday at night and further sayeth not