

Liber C M<sup>dm</sup> Dan. Johnson Nonsuited M<sup>r</sup> Warren as attorney of Bisse by reason th<sup>t</sup> he was not able to produce in C<sup>rt</sup> th<sup>e</sup> said Bisses acco<sup>t</sup> Ordered therefore that Philip Bisse be Nonsuited and pay costs of suite.

M<sup>r</sup> Humphrey Warren as Attorney of Philip Bisse Defend<sup>t</sup> made his personall appearance at th<sup>e</sup> Suite of Thomas Baker Plaintife in a Plea of trespassse upon th<sup>e</sup> Case

Whereupon th<sup>e</sup> Plaintifes Declara<sup>co</sup>n was read in Court as followeth viz<sup>t</sup>

To th<sup>e</sup> Wor<sup>sh</sup>ip<sup>e</sup> th<sup>e</sup> Commission<sup>rs</sup> of Charles Countie

[p. 269] And Whereupon th<sup>e</sup> said Thomas Complaineth ag<sup>t</sup> th<sup>e</sup> said Humphrey for th<sup>t</sup> th<sup>t</sup> is to say That th<sup>e</sup> said Humphrey is Attorney of Philip Bisse, & for th<sup>t</sup> th<sup>e</sup> said Philip at or upon th<sup>e</sup> 7<sup>th</sup> Day of Aprill 1668 forcible entrie did make into a tobaccoe house of th<sup>e</sup> Plaintifes and there did take and Carrie away a hogshead of tobaccoe containing three hundred Seaventie eight pounds of tobaccoe pretending orders from Daniel Johnson to whom th<sup>e</sup> Plaintife was at th<sup>t</sup> time indebted in th<sup>e</sup> like quantitie but soe it is th<sup>t</sup> indeed th<sup>e</sup> said Philip could Shew noe order or Note from th<sup>e</sup> said Daniel for his receaving of th<sup>e</sup> same, but took away the same as aforesaid Notwithstanding the Plaintife forewarned him from doing th<sup>e</sup> same Whereupon he Saith he is th<sup>e</sup> worse for th<sup>e</sup> Summe of 1000<sup>th</sup> of tobaccoe and thereupon brings his suite.

The Defend<sup>t</sup> Craveth an Imparlance to th<sup>e</sup> next Court alleadging th<sup>t</sup> at present he hath not all his witnesses readie, & th<sup>e</sup> same was graunted

Thereupon th<sup>e</sup> Plaintife Subpaena<sup>d</sup> Daniel Johnson and Hugh Cavenagh in open Court and requested th<sup>t</sup> their Depositions might be presently taken

Daniel Johnson Sworne in open Court saith That he Denieth Positivelie That ever he gave order to th<sup>e</sup> said Philip Bisse to receive th<sup>e</sup> said su<sup>m</sup>e of tobaccoe mentioned in th<sup>e</sup> Declara<sup>co</sup>n, of th<sup>e</sup> Plaintife & further saith not.

Hugh Cavenagh Between one and twentie and two and twentie yeares of age and Sworne in open Court Saith That M<sup>r</sup> Bisse came to M<sup>r</sup> Bakers about th<sup>e</sup> 17<sup>th</sup> of Aprill and demanded a hogshead of tobaccoe in Daniel Johnsons name and th<sup>e</sup> said M<sup>r</sup> Baker asking him Whether he had a Note from th<sup>e</sup> said Daniel for th<sup>e</sup> same replied th<sup>t</sup> he had whereupon th<sup>e</sup> said Bisse weighed th<sup>e</sup> tobaccoe and Marked it, and afterwards M<sup>r</sup> Baker demanding of him th<sup>e</sup> note th<sup>t</sup> he had from th<sup>e</sup> said Daniel th<sup>e</sup> said Bisse replied he had noe orders but by word of mouth from th<sup>e</sup> said Daniel but he would Warrant th<sup>t</sup> Daniel Johnson should own what he had done And this Deponent further Saith That afterwards M<sup>r</sup> Bisse Coming to M<sup>r</sup> Bakers, and M<sup>r</sup> Baker desireing him to make an end between him and Daniel