

Liber M M him and in what manner he execute the same he make Knowne to the justices here.

Att which said thirteenth day of October in the 43th yeare of his Lopp's Dominion &c the same Sheriff Saith he hath made Knowne unto the said John Balley in the presence of M^r Kenelm Cheseldyn and M^r Charles Delaroch that he be and appeare at the day and place as is required.

And the said Garrett Vansweringen by Kenelm Cheseldyn his Attorney and the said John Balley by George Oldfeild his Attorney likewise came and the said John prayed liberty of Speakeing hereunto untill the next Provinciaall Court and it is granted unto him by the Court here the Same day is given to both parties.

Afterwards to witt the 12th day of December in the yeare aforesaid came the said Garrett Vansweringen and the said John Balley by their Attornys aforesaid and the said John Saith that the said Garrett Ought not to have execution against him the said John for the Said Sixteene thousand three hundred Sixty Seaven pounds of tobacco damages and the said eleaven hundred and thirty pounds of tobacco costs at the said Provinciaall Court held at S^t Maries On the said tenth day of December 1672 by the said Garrett against the said John in forme aforesaid recovered because he Saith that the Said John did take Out a Subpoena for Marke Cordea of S^t Maries County Gent who was the cheife evidence for the said John in the Said cause and was privy to all the transactions between the Said Garrett and the Said John to appeare before the said Justices the Said tenth day of December 1672 then and there to testifie the truth of his Knowledge in the said cause On the part of the Said John and the said Marke Cordea was then Out of the Province Vizt at New-York. By reason of the absence of which said Wittnes the said Garrett by Surprize the judgment aforesaid against the said John unduly and Surreptitiously did obtaine and whereupon the said John prayeth the advice of this Court if the Said Garrett execution against the said John upon the judgment aforesaid ought to have.

p. 293 And the said Garrett Vansweringen in his proper person Saith that as to five thousand One hundred twenty three pounds of tobacco part of the said summe of Seventeene thousand three hundred ninty Seaven pounds of tobacco he doth in Open Court acknowledge to be fully Satisfied and paid and the said John Bayly as to the summe of twelve thousand two hundred Seventy foure pounds of tobacco the remainder of the judgment aforesaid Saith nothing in barr or avoidance of execution thereupon Therefore it is considered by the Court here that the said Garrett Vansweringen have execution against the said John Balley aswell for the said Summe of twelve thousand two hundred Seventy foure pounds of tobacco the remainder of the judgment aforesaid as also the summe of Six hun-