

Liber M M the same to him hitherto to pay hath altogether refused and yet refuseth whereupon he Saith he is dampnified and hath damage to the value of foureteene thousand pounds of tobacco and thereupon he bringeth his suite.

And the said John Code by Kenelm Cheseldyn his Attorney cometh and defendeth the force and injury when &c and Saith that the said John Code did not assume upon himself in manner and forme as the said John Peerce in his declaration above hath declared against him and of this he putts himselfe upon the Country and the said John Peerce likewise therefore it is Comanded the Sheriff of S^t Maries County twelve &c by whom &c who neither &c to recognize &c because aswell &c.

Now here at this day to witt the twelfth day of December in the three and fortith yeare of the Dominion of Caecilius &c came the said John Peerce by the said Robert Carvile his Attorney and the said John Code by Kenelm Cheseldyn his Attorney and the jurors of that jury likewise came to witt Philip Lines Abraham Rhodes Richard Rigell James Williams Tobias Wells Michael Miller John Rice George Charlesworth John Bigger Edward Skidmore Lodowick Williams and Stephen Murty who being impannelled Sumōned and Sworne to Say the truth in the premisses upon their Oathes doe Say Wee find for the plaintiff five thousand pounds of tobacco to be paid to him by the defend^t with costs of Suite therefore it is considered by the Court here that the said John Peerce recover against the said John Code the said Summe of five thousand pounds of tobacco with costs of Suite

And the said John Code by Kenelm Cheseldyn his Attorney prayeth hearing of the judgment aforesaid and it is read unto him and the said John Code Saith that he ought not to be burthened with the judgment aforesaid because he Saith because he Saith that the said John Peerce in his declaration aforesaid hath not Sett forth or declared what medicines plaisters drinkes Cordialls or other wholsome and fitt things the said John Peerce did administer unto him for the cure of the distemper or Sicknesse called a Seasoning in the declaration abovesaid and for that case the said judgm^t is insufficient in Law to charge the said John Code withall. and of this he prayeth the judgment of the justices here. that he may be discharged from the judgment aforesaid whereupon the said judgment being Seen and by the Said justices being fully examined and understood It seemed to the justices here that the allegations of the said John Code are untrue in his discharge from the judgment aforesaid Therefore it is considered that the said John Peerce recover against the said John Code aswell the Said Summe of five thousand pounds of tobacco as also the summe of Seaventeen hundred forty three pounds of tobacco for his costs and charges in this behalfe expended and laid Out & the said John Code in mercy.