

Liber M M but the same to him to content and pay have hitherto denied and Still doe deny and refuse whereupon the said Thomas Saith he is dampnified and hath losse to the value of tenn thousand pounds of tobacco & thereupon he bringeth his Suite.

And the said John and Susanna by Kenelm Cheseldyn their At-  
torny come & defend the force and injury when &c and Say they  
did not assume upon themselv[es] in manner and forme as the said  
Thomas in his declaration above he hath declared against them and  
of this they putt themselves upon the Country and the Said Thomas  
likewise therefore Comand is given to the Sheriff of S<sup>t</sup> Maries  
County that he cause to come here 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  
43<sup>th</sup> yeare of the Dominion of Caecilius &c Came the said Thomas  
Lomax by Robert Carvile his Attorney and the said John and Susanna  
by Kenelm Cheseldyn their Attorney and the jurors of that jury came  
likewise to witt Thomas Cosden Thomas Gant Elias Beach Roger  
Towle Peter Watts Thomas Innis Richard Chilman Thomas Kemp  
William Harper James Lewis William West and Edward Savage  
who being impannelled Sumōned and Sworne to Say the truth in  
the premisses upon their Oathes doe Say Wee the jurors doe find  
for the plaintiff five thousand pounds of tobacco with costs of Suite  
Therefore it is considered by the Court here that the said Thomas  
p. 401 recover against the said John and Susanna the Said Summe of five  
thousand pounds of tobacco damages as also the summe of fourteen  
hundred eighty three pounds of tobacco for his costs and charges  
in this behalfe expended and laid Out and the said John and Susanna  
in mercy

Mathew Paine ag <sup>t</sup>	}	the def <sup>t</sup> appeares by George Thompson his At- torny and imparle untill next Court.
James Thompson		
W <sup>m</sup> Melton adm <sup>r</sup>	}	the def <sup>t</sup> by Robert Carvile his Attorney appeares & imparles untill next Court.
John ffoster ag <sup>t</sup>		
John Troster		
Thomas Mountfort ag <sup>t</sup>	}	the def <sup>t</sup> appeares and imparles by George Old- feild his Attorney untill next Court.
Thomas Bowdle		
Thomas Price ag <sup>t</sup>	}	the Sheriff of Somersett County haveing re- turned a Capi & the def <sup>t</sup> not appeareing this Court Ordered the Sheriff be amerced if he appeare not next Court
Thomas Stanbridge		
Thomas Gerard ag <sup>t</sup>	}	the def <sup>ts</sup> appeare by George Oldfeild their Attorney & imple untill next Court.
John Gerard & Rose Gerard		
Execut <sup>rs</sup> Tho: Gerard		