

Liber M M of Court and accompts unto him the said Garret in like manner as he received them from him the Said Garret or the tobacco due from the said persons upon the Said bills Orders of Court and accompts So soone as he Should receive it of them that he would pay it to the said Garret or his Order And the Said Garret in fact Saith that he trusting to the faithfull promise of the said John did deliver unto him the Said John the aforesaid bills Orders of Court and accompts amounting in the whole to the said summe of Eight thousand Seaven hundred Sixty & Six pounds of tobacco as aforesaid Notwithstanding which the said John Quigley his promise and assumption in that behalfe not regarding but endeavouring and fraudulently intending him the said Garret to defraud and deceive the Said bills Orders of Courts and accompts as aforesaid according to his promise hath not returned nor the tobacco due upon the Same hath not paid though often thereunto required but the same to pay or deliver againe to him the said Garret hath altogether denyed and Still doth deny to the damage of the said Garret twelve thousand pounds of tobacco And thereupon he bringeth his suite.

And the said John Quigley by Robert Carville his Attorney cometh and defendeth the force and injury when &c and prayeth liberty of Speakeing hereunto untill the next Provinciaall Court the same day is given to both parties here, Now here at this day to wit the Seventh day of May in the 43<sup>th</sup> yeare of the Dominion of Caecilius &c came the said Garret Vanswering by his Attorney aforesaid & the said p. 534 John Quigley in his proper person came likewise and the Said John Saith that he did not assume upon himselfe and to the Said Garret make Such promise as the Said Garret hath above declared and of this he putts himselfe upon the Country and the plaintiff likewise Therefore Coñmand is given to the Sheriff that he cause to come here twelve &c which said jurors names are as follow[eth] John Gittings Thomas Bowdle Thomas Courtney W<sup>m</sup> Worgen Edward Dorsey Thomas Doxey W<sup>m</sup> Asbestone Jn<sup>o</sup> Askin W<sup>m</sup> King Richard Bayly Jn<sup>o</sup> Doxey and Nicholas Guither who being impannelled Sumōned & Sworne were dismiss the parties being content to putt themselves upon the judgm<sup>t</sup> of the Court and the judgment of the Court is that there is no cause of action Therefore it is considered by the Court here that the said John recover against the said Garret the summe of pounds of tobacco for his costs of Suite in this behalfe expended and the said Garret in mercy for his false claime.

And the said John Quigley did then promise to deliver the said Garret the bills Specified in the declaration aforesaid together with the Orders of Court & accompts or else to confesse judgment for the same at the next Provinciaall Court.

Coñmand was given the Sheriff of S<sup>t</sup> Maries County that he cause to come here twelve good and lawfull men of this Province diligently