

is said att which day to witt the seventeenth day of Octob^r aforesaid, Liber N N
 which ought to have bin the thirteenth of June aforesaid, & the cause 2^{dly}
 is then continued till the thirteenth of July following

The proceedings in the said Court are undue illegall & erroneous
 in this that the said Peca appearing att the tenth day of July
 ready with His Wittnesses to come to a tryall, the Court discontinues p. 580
 the cause, by reason of the Clerkes absence in June Court upon
 publick busines Whereas the Court may in the absence of the Clerke
 disabled by sicknes or any other (though never so legall) impedim^t 3^{dly}
 depute another to officiate without any speciall Deputacon, or att
 least the cause ought to have bin continued till the next Court, & not
 the whole busines of the County to be delayed by any laches of the
 Clerk not attending his office, but they ought to have proceeded to
 tryall of the cause without putting the defend^t to the trouble of a
 new Arrest which is vexatious & illegall twice for one & the same
 matter to Arrest any person

Itt is said in the Record that the writt issued the tenth of July
 returnable the eighth of August, & the Defend^t being arrested then
 appeared ready to defend himselfe & then the said eighth day of
 August the cause was continued till the next Court which was to be 4^{thly}
 held the twelfth day of September next, & thence to be continued
 untill the seventeenth day of Octob^r next, all which is illegall false &
 erroneous in this, for that the reasons of the continuance & att whose
 request ought to have bin menconed, for if the Defend^t was then
 ready with his Wittnesses & the plaintiffe not ready, he ought to
 have bin nonsuited, & the defend^t not farther referred nor Could the
 Court on the eighth of August say that the cause should be continued
 till the twelfth of Septemb^r which should be continued till the seven-
 teenth of Octob^r & so the Defend^t from Court to Court continued
 till the plaintiffe should be ready, & the defend^t might be determined
 & concluded unheard or not haveing his Wittnesses ready as he twice
 before had them

The Record & Judgem^t aforesaid are manifestly erroneous in this, 5^{thly}
 that the accōn of the case is in the name of Henry Stocket gent^l high
 Sheriffe &c who declares in trespas of the case ag^t the defend^t for
 his supposed takeing away of two thousand six hundred p^ds of to-
 bacco by the said Sheriffe by fieri facias levyed of the proper Goods
 & Chattels of Thomas Knighton, & by the said Sheriffe marked with
 the broad arrow for satisfaction of a debt & Judgem^t recovered in
 the said County Court by Thomas Taillor Esq^r ag^t the said Thomas
 Knighton for two thousand foure hundred p^ds of tobacco with costs
 of suite, whereas the said accōn (if any ought to have bin) should
 have bin comēced in the name of Thomas Taillor Esq^r to whom
 the supposed wrong & trespas was done And itt is usuall for the
 plaintiffes to give the Sheriffe caution to indempnifie the Sheriffe
 upon the Levying of Goods by fieri facias, so that the plaintiffe