

Liber N N And the said Clement Hill by Kenelm Cheseldyn his Attorney cometh & defendeth the force & injury when &c and Saith he did not assume upon himselfe & to the Said Abraham make such promise as the said Abraham in his declaration aforesd hath declared against him & of this he putts himselfe upon the Country & the said Abraham also Whereupon it is comanded the Sheriff of s^t Maries County that he cause to come here twelve &c. Now here at this day to witt the Eighth day of October in the Second yeare of his Lopps Dominion &c Annoq̄ Dom̄ 1677 Came the Said Clement & Abraham by their said Attornyes and the jurors of that jury also came to witt Thomas Cosden Edward Turner John Baker Thomas Gant Michael Tawney Mordecai Hunton Thomas Sprigg Michael Miller Stephen Murty John Bearcroft Mathew Erickson & W^m Thomas who being impannelled Sumōned & Sworne & haveing heard the evidences & what was alleadged on both parts Upon their Oathes doe say Wee find for the plaintiff two thousand two hundred & fifty pounds of tobacco damages with costs of suite. Which being read & heard the said Clement by his Attorney aforesaid moved in arrest of judgment whereupon day was given untill the morrow to putt in his reason why judgment Should be arrested At which morrow to witt the ninth day of October in the yeare aforesaid the said Clement saith

It's Error in that the jury have found two thousand two hundred & fifty pounds of tobacco damages to the plaintiff but not the assumption of Six thousand eight hundred ninty Seaven pounds of tobacco which was the thing in issue & ought to be found before any damages could be given, for the damages are only a recompence given to the plaintiff by Law for the wrong susteined and if the issue which was assumpsit or non assumpsit in manner & forme be not found there is no wrong done, then no action & consequently no damage

It's Error in that it appeares not by the declaration that the defendant received any consideration and then a nude Contract & void in Law.

Which said reason being read & heard & Over-ruled by the Court here It is granted by the Court That the said Abraham Rhodes recover against the said Clement Hill the summe of Six thousand eight hundred ninty seaven pounds of tobacco and two thousand two hundred & fifty pounds of tobacco damages occasioned by the trespas aforesaid with the summe of two thousand fifty Eight pounds of tobacco costs of suite &c.

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| Thomas Jones ag ^t Stephen Goff & ux ^r Ex ^r Jn ^o Jarbo | } | Stephen Goff & Mary his wife executrix of the last Will & Testament of John Jarbo deceased was attached to answer unto Thomas Jones in a plea of trespas upon the case |
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And whereupon the said Thomas Jones by Kenelm Cheseldyn his Attorney complaineth that whereas the said