

Liber N N ought not, for that he saith that the words in the declaracōn above supposed to be said & published by him the said ffrancis Viz<sup>t</sup> that is to say I tell you that Tyte (inuendo the said George Tyte is a cheating Rogue & a knave & a Rogue & cheates the Countrey with false measures, he is in no wise thereof guilty & of this he putts himselfe upon the Countrey And the plaintiffe also And for the other words in the declaracōn above supposed to be spoken & published viz<sup>t</sup> inuendo I the said ffrancis Johnson will prove inuendo the said George Tyte cheats the Countrey with false weights, the said ffrancis saith the said George his action aforesaid ought not, for that he saith that before the tyme in which itt is supposed him the said ffrancis to haue spoken & published the said words in the declaracōn above specified of the said George Tyte, that is to say in the yeare of our Lord, the said George Tyte did upon his own account weigh & receive with his own stilliards accustomed to weigh tobacco with several hogsheads of tobacco of severall persons in the County of S<sup>t</sup> Maryes, which being after weighed by others with Stilliards tryed by the Standard weighed fifty pounds weight in the hogshead more then they weighed by the said Georges Stilliards, whereof the said ffrancis afterwards to witt the day & yeare in the declaracōn aforesaid did publish & say the words aforesaid as well itt was lawfull for him, & this he is ready to averr whereupon he craves judgem<sup>t</sup> whether the said George his action aforesaid against him ought to have. And the said George Tyte that by any thing before by the said ffrancis alleadged the said George saith he ought not to be barred because he saith that the said ffrancis of his owne proper wrong & without any cause by him the said ffrancis aboue alleadged  
p. 759 did speake of the said George the said English Words in the Declaracōn above specified that is to say I the said ffrancis will prove that he (meaning the said George Tyte) cheats the Countrey with false weights & measures, as the said George above against the said ffrancis doth complaine And this he prayeth may be enquired of by the Countrey And the said ffrancis also Therefore itt is comāded the Sheriffe of S<sup>t</sup> Maryes County that he cause to come here twelve &c by whom &c and who neither &c to recognize &c because as well &c Att which said twelfth day of March in the yeare aforesaid cometh as well the said plaintiffe as the said Defend<sup>t</sup> by their Attorneys aforesaid And the jurors impannelled being called likewise came to witt John Addison, John Wynne, Thomas Potter, Edward Pynn, Charles Hea, W<sup>m</sup> Vaughan, Emanuell Ratcliffe, Joseph Edloe, Thomas Courtney, Henry Smith, John Portswood & John Watson who being elected tryed & sworne to say the truth in the p<sup>r</sup>misses upon their Oaths doe say that the said ffrancis Johnson is not guilty of speaking of the said George Tyte the said English words in the declaracōn above specified. Therefore itt is considered by the Court here, that the said George take nothing by his writt, but be in mercy