

porke, foure barrells & halfe of Indian Corne out of Som^rsett County hath not transported, to the damage of the said plaintiffe three thousand pounds of tobacco. To which the Defend^t pleaded the generall issue, & gaue the speciall matter in Evidence in this manner

1st first as to the One hundred pounds of porke the Defend^t was to pay him, the Defend^t brought the same over for him in March One thousand six hundred Seventy seven, but he & his sloop were presst away then. March was the first tyme winde and weather would permitt him to come over, that he had tendred the same since but the plaintiffe would not receive the same

2^{dly} That the Defend^t was only to transport the Guelding beefe porke & corne of Revells when they were put on board his sloop And as soone as they were putt on board the sloop the transported the gelding & ninety nine pounds of porke & foure hundred & fifty pounds of beefe, all which he received in Septemb^r One thousand six hundred Seventy Eight, in full for his due from Revell. And before the issuing out of the originall he ha[d] received satisfaction from Revell for the foure barrells & halfe of corne as by receipts under the plaintiffes hand for the corne & meat then produced appeared And that he had received the mare & Colt was not in question, & all of them long before the tryall. So that the only thing in question was the One hundred pounds of porke the Defend^t was to pay & had tendered as aforesaid & he refused to receive the same, so that there was no colour for action for more then the One hundred pounds of porke, which being under the Value of fifteen hundred pounds of tobacco ought to haue bin sued in the County Court according to the Act in that case made & provided, but the jury being impannelled & sworne upon the whole declaration found for the plaintiffe foure hundred pounds of tobacco for the said one hundred pounds of porke. Whereupon the said Defe[nd^t] saith, that the said foure hundred pounds of tobacco is not by the Act aforesaid tryable in this Court, nor within the jurisdiction thereof, And for that reason he desireth the said judgem^t may be Arrested.

Which reasons aforesaid being read heard & argued, & by the Justices here fully understood, itt seemeth to the same Justices, that the reasons aforesaid are insufficient in Lawe to Arrest judgm^t upon the Verdict of the jurors aforesaid. Therefore itt is considered, that the said James Lewis recover against the said Miles Grey as well the Summe of ffoure hundred pounds of tobacco damages by the jurors aforesaid in forme aforesaid assessed As also two thousand six hundred & nineteen pounds of tobacco costs of suite And the Defend^t in mercy &c

Edward Man }
 ag^t }
 John Quigley } |