

(4^{thly}) The Jury were sole Judges whether Mitchell tooke the hogshead of Tobacco & disposed of it after he had payd it to Davis And they being satisfied in their consciences did find for the p^{lt} And their verdict cannot be adnulled in that point without Attaindre of the Jury Liber W. C.

Wherefore the said Walter Davis prays that the aforesaid Judgment may be confirmed

And hereupon the Teno^r of the Record processe proceedings and Judgm^t aforesaid and the aforesaid Causes and reasons for Errors therein by the aforesaid Henry Mitchell in forme aforesaid Assigned, and the said Walter Davis's Answere thereunto being seen read heard and understood and by the Justices here fully Examined Itt seemeth to the same Jutices that in the Record and processe aforesaid and also in the Rendering the Judgment aforesaid Itt is manifestly Erred **Therefore** it is Considered by y^e Court here that the Judgment aforesaid for the Erro^{rs} in the Record processe & pceedings aforesaid be Revoaked Adnulled and altogether held for nothing, & that the said Henry Mitchell unto all things w^{ch} by Occasion of the Judgment aforesaid he hath lost be restored And that the said Henry Mitchell Recover against the said Walter Davis the sume of _____ pounds of Tobacco for his costs of suite by him in this behalfe Layd out and Expended and the said Henry may have thereof Execution p. 588

Thomas Swaney	}	Hugh French late of Charles County Planter was
ag ^t		attached to answere unto Thomas Swaney of a
Hugh French		plea of trespasse upon the Case

And Whereupon the said Thomas Swaney by Robert Ridgely his Attorney complayneth that Whereas the said Hugh french the Tenth day of March 1679 in Considera^on that the said Thomas Swaney would come to his Planta^on at Pickawaxon in Charles County aforesaid and worke with his servant or servants in a Cropp of Corne Tobacco and beanes the yeare Ensueing in the nature of an Overseer, Hee the said Hugh french did Assume upon himself and to the Said Thomas Swaney did ffaithfully promise that dureing the time the said Cropp should be in hand the said Hugh would find and Provide for the said Thomas sufficient dyet washing and Lodgeing, and when the said Cropp was finished would deliver unto the said Thomas One equall share of all the Tobacco Corne and beanes that should be made upon the said Planta^on And that the said Hugh would not take off or any otherwayes Employ any servant or servants that should be put with the said Swaney, And the said Thomas was to allow the said Hugh, If but one servant worked with him, One thousand pounds of tobacco for his Accomodations for that p^rsent yeare, and if more servants worked wth him then Onely five barrells of