

pleaded nor Shews how the Eight Thousand Seven hundred and Sixty Six pounds of [596] Tobacco in the Replication mentioned became due or that the Said Thomas Gassaway received the Said Tobacco or that he was Sheriff at the time of Such Conversion and also for that the whole Replication is insufficient in Law and repugnant thereto. And the aforesaid John Gresham for that he hath above declared Sufficient matter in Law to have and Maintain his Action aforesaid against the above Thomas Gassaway which he is ready to Verifye which Matter the aforesaid Thomas Gassaway doth not gain-say nor thereunto in anywise answer but that Averment to admit hath altogether refused the Same John Gresham prays Judgment for the Debt aforesaid and his Costs and Damages Sustained by Occasion of the Detention of the Same Debt to him to be adjudged etc. Whereupon all and Singular the premisses being by the Court here Seen heard and fully understood and Mature deliberation thereon had for that it Seems to the Court here that the Said John Gresham hath not above declared Sufficient Matter in Law to have and Mantain his Action aforesaid Against the Said Thomas Gassaway

Therefore it is Considered by the Justices here the 16th Day of September Anno Dom 1718 that the Said John Gresham take Nothing by his Writt aforesaid but be in Mercy for his false Clamour and the Said Thomas Gassaway go thereof Without Day etc.

And also it is Considered by the Justices here the Day and year Last mentioned that the Said Thomas Gassaway recover against the Said John Gresham the Sume of Eleven hundred and Sixty three pounds of Tobacco by the Court here Adjudged unto him for his Costs and Charges by him about his defence in this behalf Laid out and Expended According to the form of the Statute etc.

In Testimony that the foregoing is a true Copy of the proceedings in the cause aforesaid I have hereunto Set my hand and affixed the Seale of the Said Provincial Court this 18th day of July Anno Dom 1722

Vachel Denton C^h Cur Pvin

Afterwards To Witt on the Same Seventeenth Day of July Anno Domini Seventeen hundred and Twenty two in the Same writt mentioned Comes hereinto Court the af^d John Gresham by Daniel Dulany his Attorney and Says that on the Record and process aforesaid and rendering the Judgment aforesaid it's Manifestly Erred It is Erred in this that the Judgment aforesaid is rendered for the Said Thomas Against the Said John Whereas by the Law of the Land Judgment Ought to have been rendered for the Said John to recover his Debt aforesaid and his Damages Occasioned by the Detention of the Said Debt Against the the [sic] Said Thomas For which and many other Errors in the Record and process aforesaid the Said John Prays that the Judgment aforesaid [597] be reversed and held for None and that he to all that he thereby lost may be restored. And the Said John Gresham by his Attorney aforesaid prays his Lordships Writt to forewarn the Said Thomas