

And whereupon the Said Abraham Field who as well for his Said Majesty as for himselfe procecuteth by John Meriton his Attorney Saith that whereas by an Act of Assembly made at a General Assembly begun and held at the City of St. Maryes the 21th day of September 1694 and by Severall Acts of Assembly Since made Revived and Continued Still in force Entituled An Act Relateing to Coopers and gage of tobaccoe hogsheads it is amoungst other things therein Contained and Inacted that all tobaccoe hogsheads and Casks Agreed upon to be Sett up Shall be one halfe [128] of them made before the 10th day of October next Ensueing the time of the undertaking and the other halfe by or before the 10th of December Following and every Cooper or other person that Shall faile either in the gage of the Caske or the time as aforesaid Shall alsoe forfeit one hundred pounds of tobaccoe for every tunn of Caske and tobaccoe left at the time aforesaid unmade to be Recovered in the Respective County Courts which the Said Cooper or other persons does at that time Reside Nevertheless the Said John Gardiner the Said Act of Assembly not Regarding nor the penalty or punishment therein Contained any Jott Feareing after the making of the Said Act of Assembly (to witt) the Sixth day of August 1695 did wittingly and willingly refuse to Sett up and finish for him the Said Abraham Feild three tunn and one halfe tunn of tobaccoe hogsheads in contempt to his Said Majesty and to the great damage of the Said Abraham and against the forme of the Said Act of Assembly by which Action is Accrued unto his Said Majesty and the Said Abraham who by the Said John Gardiners not Setting up and Finishing the aforesaid three tunn and one halfe tunn of tobaccoe hogsheads is much dampnified and requiers of the Said John Gardiner for his Said Majesty and for himselfe for not Setting up and Finishing the Said three tunn and one halfe tunn of tobaccoe hogsheads three hundred and Fifty pounds of tobaccoe yet the Said John Gardiner the Said Sume of 350 lbs. of tobaccoe to the Said Abraham who as well for his Said Majesty as for himselfe procecuteth Although often Required hath not rendered but the Same to Render hath hitherto denied to the Damage of the Said Abraham who as well etc. 700 lbs. of tobaccoe and thereupon he brings his Suite.

Pledges etc. John Doe, Richard Roe. John Meriton.

And the Said John Gardiner by Cleborn Lomax his Attorney Cometh and defendeth the force and Injury when etc. And Craveth Lycence to Imparle here untill the next Court and it is granted unto him the Same day is given to the plantiffe alsoe.

And now here at this day to witt the 26th day of January Annoque Domini 1696 [1697] aforesaid Came here as well his Said Majesty and Abraham Field by their Attorney aforesaid as the Said John Gardiner by Cleborn Lomax his Attorney and his Said Majesty and Abraham Feild prayeth that the Said John Gardiner to their Declaration aforesaid may Answer etc. And now here at this day to witt the 26th day of January Annoque Domini 1696 [1697] aforesaid Came the Said John Gardiner by Cleborn Lomax his Attorney and Defendeth the fource and Injury when etc. and Saith that the Said John Gardiner is not guilty of the brach of the Act of Assembly in manner and forme as the plantiffs in their Declaration Complaineth and of this he puts himselfe upon the Country.

Cleborn Lomax.

And his Said Majesty and the Said Abraham Likewise. William Bladen.

Therefore it is Commanded the Sheriffe that without delay hee Cause to Come here twelve etc. by whome etc. and who neither etc. to Recognize etc.