

Prosess in the Same Court remaineing relation being thereunto had may more att Large Appear and the Said Matthew afterwards the tenth day of December 1697 to avoyd the Imprisonment of his body and other burthens and Expences was Compelled to Pay and Sattisfie to him to him the Said George Burges the Said one pounds Eight Shillings and nine hundred thirty two pounds of Tobacco adjudged as afforesaid Whereupon the Said Matthew Saith that by reason of his the Said Ninian not Delivering the afforesd Surveying instruments unto the Said George Burges according to his Promise aforesaid that he the Said Mathew is Damnified and hath damage to the value of two Thousand five Hundred Pownds of Tobacco and thereupon be brings this Suite etc..

William Stone for the Plantiffe. Pledges to procecute John Doe, Richard Roe.

And the Said Ninian Beall by John Merryton his attorney Cometh and Defendeth the force and Injury when etc. and Prayeth [leave] thereof to imparle here untill the next Court and it is Granted unto him the Same day is Given to the Plantiffe Likewise Att which Said Court (to witt) the 22d day of November Annoque Domini 1698 came the Said Matthew Mackeboy by his attorney afforesaid and Prayeth that the Said Ninian Beall to his Declaration afforesaid May answer.

And the Said Ninian Beall by John Meriton his attorney comes and Deffends the Force and Injury when etc. and for Plea Saith that hee did not assume and promise in manner and forme as the Plaintiff in his Declaration hath Sett forth and thereof he putts himselfe upon the Country. Meryton for the Defendant.

And the Plantiffe also. Joshua Cecell.

Therefore it is commanded the Sheriff that without delay he cause to come here twelve etc. by whom etc. and who neither etc. to recognize etc. because as well etc. and now here at this day came as well the Said Matthew Mackeboy and the Said Ninian Beall by their Attorneys afforesaid and the Jurors theron Impaneld being Called Likewise came (viz.)

[362] James Stodart, Forman, Archibald Edmundson, Joshua Hall, John Roenson, Phillip Lewin, Thomas James, Bartholomew Goff, John Henry, Charles Wallker, Henry Cullver, John Deakins, Robert Robinson.

Who to Speak the truth concerneing the Premises being Elected tryed and Sworne doe Say upon their Oaths Wee find for the Defendant.

Therefore tis Considered that the Said Matthew Mackeboy take nothing by his Said writt but be in Mercy for his False Clammar and that the Said Ninian Beall goe thereof without day etc. it is Likewise Considered that the Said Ninian Beall recover against the Said Matthew Mackeboy his Damages by Occation of the Premises to Seven Hundred twenty one pownds of Tobacco to the Said Ninian Beall by the Discession of the Justices here att his request for his Cost and Charges in this behalfe Sustained according to the Forme of the Statute etc. by the Court here adjudged etc.

William Williams Plantiff: Thomas Browne Defendant

William Williams who brought the writt of our Sovereigne Lord the King against Thomas Browne of a Plea of tresspass upon the Case etc. and hath not Prosecuted his Said writt Therefore he and his Pledges of Procecuteing be in mercy etc. Lett the names of the Pledges be Sought etc. and the Said Thomas Browne goe thereof without day it is Likewise Considered that the Said Thomas Browne recover against the Said William Williams his Damages by occation of the Premises to two hundred Sixty five pounds of Tobacco to the Said Thomas