

Damage of of the Said Henry of three thousand nine Hundred lbs. of Tobacco and thereupon he Bringeth this Suite.

William Stone John Doe, Richard Roe. Pledges.

And the Said David Small by Joshua Cecell his Attorney cometh and Defendeth the Force and Injury when etc. and Prayeth Lycence thereof to imparle here untill the next Court and it is Granted unto him the same Day is given to the Plantiffe Likewise etc.

And now here att this Day (to witt) the 22d Day of November Annoque Domini 1698 came here as well the Said Henry Cullver as the Said David Small by their Attorneys afforesaid and the Said Henry Cullver Prayeth that the Said David Small to his Declaration aforesaid may answer etc.

And the Said David Small by Joshua Cecell his Attorney cometh and Defendeth the force and Injury when etc. and Prayeth abatement of the writt and Declaration afforesaid for that he saith that the Said Plantiffe hath brought his writt afforesaid against the Said Deffendant by the name of David Small Late of Prince Georges County Merchant administrator of all the goods Chattles and Creddits of Charles Treacy Late of Prince Georges County Deceased to answer unto Henry Cullver of a plea of tresspass upon the Case etc. and that in the Precipt of the Declaration is named onely David Small Late of Prince Georges County gentleman to answer unto Henry Cullver of a Plea of tresspass upon the Case etc. by reason of which Variance the writt and Declaration noe certaine Judgement can be given for the Count or Declaration must be agreeable to the writt the Barr to the Count etc. and the Judgement to the Count for none of them must be narrower or Broader then the other Cookes Institutes follio 303 etc. whereof the Said David Small Prayeth abatement of the writt and Declaration aforesaid etc.

Joshua Cecell for the Defendant

[370] Therefore tis Considered that the Said writt be Quashed and that the Said Henry Culver take nothing by his Said writt butt be in mercy for his False Clammore and the Said David Small goe thereof without day etc. it is Likewise Considered that the Said David Small recover against the Said Henry Cullver his Damages by Ocation of the Premises to four Hundred twenty five pounds of Tobacco to the Said David Small by the Discession of the Justices here att his request for his Cost and Charges in this behalf Sustained according to the forme of the Statute etc. by the Court here adjudged.

Christopher Baines Plantiffe: David Ambross Defendant

Command was Given to the Sheriffe of Prince Georges County that of the Goods Chattles and Creddits of David Ambross he attech in the hand or hands of any Person or Persons in this County as well the Sume of Eleven Hundred pounds of Tobacco a Certaine Debt for Damages recovered against him as also the Sume of four Hundred and Seveteen pounds of Tobacco cost of Suite in the whole amounting to fifeteen hundred and Seveteen Pounds of Tobacco when he had the Same attechd or any Part thereof the Same in his hands to Keepe so that he have the Same before the Justices of our next Prince Georges County Court to be held att Charles Towne the fourth Tuesday in November next and Likewise att the time of Executeing this writt he give notice to all Person or Persons in whose hands or possession he attechd such goods as afforesaid that they be and appear before the Justices of our next Court to be held att Charles Towne as afforesaid to Shew Cause if any they have why the goods so attechd