

21) To him the said Edward hath not as yet delivered but the same to him
hitherto to deliver hath demanded and as yet doth deny and unjustly detains
whereupon the said Edward saith he is damaged and hath arrears to
the value of two thousand four hundred pounds of Tobacco And thereupon
he brings this action. Macklin & Co. v. Ed. & Co.

And the said Nich. Marney in his proper person comes and defends the fore-
and injury when so. and prays leave to impare herunto until next Court
which was granted to him the same day is given the Plaintiff also

At which said next Court to wit the twenty seventh day of June anno Domini
one thousand seven hundred and one comes the said def. in his proper person
as also the Plaintiff by his Attorney etc. And the Court having read, considered
and consulted concerning the Plaintiffs Deed aforesaid, do without any pleading
or allegation of either of the parties Plaintiff or def. in this behalf made conclude
that the deed afo. of the afo. Plaintiff is not sufficient to maintain the Plaintiffs
action agt the said defend. Towards brought and thereupon proceed to Judge
as follows Viz. That the said ~~Ed. & Co.~~ Edward Fry take nothing
by his writ afo. but be in mercy for his false clamour and that the
said Nicholas Marney go thereof without day and that the said Edward his
pleges be sought for for that the said Edward hath not prosecuted his writ
with effect. And also it is considered by the said Court that the said Nicholas
Marney recover against the said Edward Fry the sume of One hundred
and eighty four pounds of Tobacco by the Court adjudged unto the
said Marney for his costs and charges in this behalf laid out and expended

Edward Bathurst }
Thomas Howole }
Thomas Howole }
Thomas Howole stands attached to answer unto Edward Bathurst
of a plea of Trespass upon the case. And whereupon the
said Edward Bathurst by Richard Macklin his Attorney
complains that whereas the said Edward at Seville County within the Jurisdiction
of this Court the fifth day of August Anno Domini one thousand six hundred
thirty eight and on the fourteenth day of April Anno Domini one thousand six
hundred thirty nine at the special instance and request of the said Thomas
Howole had sold and delivered unto the said Thomas diverse goods wares and Merch-
andizes amounting to the sume of nine thousand two hundred and six pounds
of Tobacco And also at the like instance and request of him the said Thomas
on the days and in the yeares afo. and within the Jurisdiction afo. the said
Edward did credit diverse persons for sundry goods wares and Merchant-
andizes amounting to the sume of three thousand three hundred and fourteen
pounds of Tobacco which afo. goods wares and Merchandizes he as afo. sold and
delivered and credits given in the whole amount to the sume of twelve
thousand six hundred ~~and~~ three pounds of Tob. As by an account thereof
to this doct annexed and here into Court brought the same appears in consid-
eration whereof the said Thomas upon ^{oath} affirmed and unto the said Edward then
and there saith fully promised that he the said Thomas when therunto afo.
required the afo. quantity of twelve thousand six hundred twenty three pounds of
Tob