

25)

Pay unto a certain Samuel Taylor of the said County the sum of Eight hundred and ninety pounds of tobacco in consideration thereof the said Robert Hawkshaw upon himself assumed and unto the said Edward Gresham then and there faithfully promised that he the said Robert Hawkshaw by the said Edward he should be thereunto afterwards required the said 890 tobacco well and truly he would pay yet notwithstanding the said Robert his promise and assumption aforesaid made not minding or in any manner regarding but plotting contriving and fraudulently intending the said Edward in that behalf craftily and subtilly to steal and defraud the said 890 tobacco according to his aforesaid promise and assumption altho' often afterwards required he unto the said Edward hath not paid or in any manner for the same given the said Content but the same to him to pay hath and still doth deny and refuse to the damage of the said Edward 1700 tobacco and thereupon he brings this Bill. Macklin & G.

Pledges the John Doe & Co

And the said Robert by Mr. Carl his Attorney comes and defends the force and injury when hee And prays leave to compare hereto until next Court which is granted him the same day is given the plaintiff also. At which said next Court to wit the 27th day of January Anno Dom. 1702 comes the said Parties by their attorneys aforesaid and the said Robert by his atty afo further defends the force and injury when hee And for plea saith that it is the said Plaintiff did pay unto the said Samuel Taylor the sum of Eight hundred and ninety pounds of tobacco as in said Plaintiffs declaration is alleged for the use of the said Defendant. But the said Defendant further by protestation saith that he and his son did do and perform diverse and sundry services for the said Plaintiff amounting unto the sum of two thousand one hundred and twenty pounds of tobacco. As by an Account hereto annexed and here in Court brought appears hee therefore prays discount according to Act of Assembly. Carl & G.

Mr. Edward Gresham Sr.	1700	800
To one hundred and twenty days was at y. Hou. Employ'd		1000
at 8 p day		1000
To my sons work 120 days at 8 p day		1000
Errors Excepted		2120

And the afo Edward by his afo Attorney says that the afo plea of the afo Robert as to the services of the said Robert and his son alleged to be done and performed above in barr pleaded that that plea in manner and form afo pleaded and the matter in the same contained doth not hold sufficient in law to debar him the said Edward from having his action afo thereupon agt him the said Robert and that he to that plea in manner and form afo pleaded hath no necessity nor by the law of the land is bound to answer and thus he is ready to answer whereupon for want of sufficient answer of y. afo Robert in (that