

that behalf he the said Edward prays Judg. for his debt and Damages to be adjudged unto him *Machlin & q. pr.*

Reason: the Defend. hath not showed by his plea that the services were done. At the request of the said Edward. Demand Joined *Carle & q. pr.*

Whitbread on of Demurr being by the court considered, is overruled. And by consent of parties together with the approb. of the court it is proceeded upon by the plaintiffs Attorney to and after pleading, who by way of replication to the defendants plea first above mentioned saith that the Defendant ought not be allowed any part of the sum of 100^l in the Defendants plea contained in bar of his the said plaintiffs claim as the Defendant in his said plea hath prayed and this he prays may be inquired of by the Country *Machlin & q. pr.* And the plaintiff in like manner says *Carle & q. pr.*

Whereupon Demand is given to the Sher of Kent County that he immediately cause to come here twelve good & lawful men who neither be Deacons nor vicars of which said Jury precept the Sher Mak. ret. that he has now here twelve. As by his precept it is commanded. To wit John Raymer Nicholas Marney John Hollinworth Patrick O'Bryan Richard Fingeringham Edward Carroll Ford. Lord John Hughes Wm. Robinson Math. Mason Thomas Carman Samuel Saylor who being elected tried and sworn to say the truth in the premises do say upon their Oaths, we of the Jury find for the Plaintiff. Which being by the court heard and understood it is by them considered that the said Edward (witham, this twenty seventh day of January anno Dom. 1702, recover against the said Job. Hawkshaw as well the sum of Eight hundred and ninety pounds of Tobacco the debt in the declaration specified as the sum of three hundred and eighty seven pounds of tobacco Cost of Suit and the Defend. in Morey the

Dollins Adm. & Wm. Frisby & Sutton Quinceys Adm. Thos. & being auct. Carleos & q. pr. Mich. Carle & John Bonnet } of d. & are cont. All in King Court

Edward Bathurst } This being an action of Respass upon the case The Plaintiff prays that the Def. may give bail for his appearance. Thomas Usher } According to Act of Assembly; which being granted the Defendant was committed into the custody of the Sher for want thereof, and cause continued until next Court

Conj. Dollins Adm. } This being an action of Debt for 400^l Tobacco Bail was prayed, granted, and the Defendant committed as above. Wm. North } and of. Action cont. ut supra