March Court 1704

Charles Hollinsworth pltff } Kent
vs
John Hodges Deft } John Hodges of Kent County stands attached to answer unto
Charles Hollinsworth Jun: of a plea of the ffact upon
the Case

Whereupon ye pltff by Richard Macklin his attorney Complaines ye whereas on
the 24th Day of 9ber anno Dni 1703 at Chester River in Kent County being in ye Jurisdiction
of this Court he was Lawfully possessed of one browne bay horse with white rings
about his Eares and a Switch Taile of ye price of two thousand four hundred pds
of tobo and being thereof so possessed ye sd horse out of his possession & hands Casually
lost which sd horse afterwards ye is to say ye 30th Day of 9ber then next ffollowing att
Chester River afore sd by finding ye sd horse in ye possession of ye sd John Came not to stand-
ing of ye sd John knowing ye horse afore sd to be ye sd horse of ye sd Charles & to ye sd Charles
of right to belonging & appertaine but Craftily & fraudulently intending ye sd Charles in
that behalfe Craftily & Subtilely to Deceive & the ffraud of ye sd horse to ye sd Charles
the often thereunto requested hath not Delivered but ye same horse ye 30 Day of 9ber
in ye year afore sd att Chester River afore sd to his proper use & ye sd fett converted & Disposed
to ye Cost of ye sd Charles 1000 of tobo & thereupon he brings his —
Macklin ye Plaintiff ye Dep: Ex: Re
A Copy of ye Deed was sent along to ye writ in this Record for Triall
att this Court according to act of Assembly) whereof ye sd makes rete Endorsed
Cepi Corpus pro me Jon Hawkins Shff And ye sd Deft being held to Baile George
Lumley undertake to be Bail according to act of Assembly. Whereupon ye
sd pltff by Edward Bonwick his attorney Comes & Defends ye force & Injurie when
&c & prays Oyer of ye pltffs power which hath shewen him. & ye sd
Cause standing for Triall according to act as afore sd. The sd Bonwick sayeth
that he had noe Instructions from his sd Client Whereby to make any
Defence &c Whereupon Judgt is awarded by ye sd pltff

Which being by ye Court heard & understood It is by ye Justices here Con-
sidered this 20th Day of March 1703 ye sd pltff recover of ye sd Deft as well ye
Sum of two thousand four hundred pounds of tobo ye Debt aforesd as ye Sum of
two hundred Sixty & nine pounds of tobo Cost of Suit by ye Deft in Mercyam

Wm Scott } Brought Majesties writt of Capias against ye sd Deft for
vs } ye Sum of 1460 of tobo & when ye Day of ye return of ye writt came being
Peter Green } the 20th Day of Jan: ye 1703 The Shff made Retn thereof Cepi Corpus
pro me John Hawkins Shff Whereupon ye sd Deft being held to Baile
Henry Green & Jon Bowles undertook to be Baile according to act of
Assembly & Whereupon ye sd Deft by Michael Earle his att ye prayed leave
to Imparlance thereunto until next Court which he had, ye same Day was given
the pltff also att ye sd next Court to wit this 20th Day of March
Anno Dni 1704 when Comes ye sd pltff by Richard Macklin his att ye (& ye
his Deed filed ye sd Macklin according to ye rules of this Court) & offers
him Selfe against ye sd Deft in ye plea aforesd, but ye sd Michael Earle being att ye
for ye sd Deft, & aforesd herein Court Sayeth ye had noe Instruction from
his Said Client whereby to make any Defence &c Whereupon ye sd pltff prays
Judgt & att the hath