

November Court 1704

William Ford
John Fisher

Command was given to the Sheriff of Kent County on the 23rd Day of
November anno Domini 1704 to take John Fisher of Ball Ball County
Planter to be found in his bailwike and him safe soe if he
may have his body before the Justices of Kent County (Court now
sitting) immediately to answer unto William Ford of Kent County
Plaintiff of a plea of trespass upon the Case

of which he writt of the Sheriff makes at immediately, Indorsed in these words viz
Capi Corpus pro me

Whereupon the Deft appeared, and by Christopher Phillipson his atty
and prayd this Court for Discharge, he being a person living a great Distance off
which being by the Court heard, and by the Deft being called, it is agreed
that he should appear in person, where by he may
make a plea in Law of fact, in the Book in these words following viz

John Fisher of Ball Ball County in the Province of North Carolina
unto William Ford of Kent County a Deft Plaintiff of a plea of trespass upon the Case
And whereupon the Deft William by Michael Earle his atty Complainer of a writt of Habeas Corpus
on the 10th Day of March anno Domini 1704 in the County of Kent in the Court of the Justices
of the Peace for one Park bay horse w^{ch} was usually used a stall in his left side and Divers
Gray haire in his mane &c being of his own property & goods to the horse he was
out of his custody & possession (as usually used) and afterwards to wit on the 10th Day of
September anno Domini 1703 by some person or persons unknown to him, and
yet notwithstanding the Deft John - not being ignorant of the same
to William he hath refused to Deliver although to Doe of James all Chester river
in the County of Kent w^{ch} is of jurisdiction of this Court on the 10th Day of 9th and
Dni 1704 he by the Deft John was required to Doe of James by the Deft William but of
James to Doe the Deft John hath refused and will not Deliver and refuse
and unjustly Detained to the Deft William 20000 of Tobacco and thereupon
he brings this Suit

Not Guilty & petitio Phillipson & Deft
and of plea in Law manner Earle of

Whereupon Command is given to the Sheriff of Kent County if he immediately cause to
Come here twelve of the by whom he is to recognize the Deft as
well as and if the Sheriff makes return of his Deft and saith that he has the ready
twelve of the by his Deft he was Comanded to wit | Thomas Brijatt, William
Thomas Brooff, Peter Gray, Stephen Rich, William Austine, William Sigley,
William Price, Thomas Booth, Robert Parker, Nathaniel Clave, Edward
Carroll who being Duely Sworn to say the truth in the Deft
Doe say upon their oaths we of the Jury find for the Deft in Damages
fifty pounds of Tobacco to the Deft at his Cost of Suit

Which being by the Court heard and fully understood It is by the Justices here
Conferred this 10th Day of 9th anno Domini 1704 that the Deft William Ford take nothing
by his writt of Habeas Corpus in mercy for his full Claim, and as to the writt
of Habeas Corpus the Deft goe thereto without Day.

J.P.