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Defendant knoweth not if not been made certain therefore
can have no certain answer given thereto. The Plaintiff
goeth further in said Declaration and Allegeth that the
Defend^t did Assume upon himself to pay unto the said
Plaintiff the sum of 567½ of Tobacco and by the Account
upon which the Declaration is grounded the whole sum
of the particulars therein contained Amount but to y^e
sum of 560½ of Tobacco which is a Manifest Variance
He^re. And in said Account there is divers Articles over-
-charged above what the Act of Assembly and the Assent
of the Justices of Kent County Court Alloweth W^m Wines
sum 500 He^re for which reasons the said defend^t prayeth
as aft^r Verbo of Def^t

And the said Plaintiff by his Attorneys for
Repetition says that the Declaration of the said
Defend^t and the account thereunto Annexed is Sufficient
-ent in Law to cause the said Defend^t to make answer
thereunto and this he is ready to doon and there-
-upon prays Judg^t for the dobt and Damages to be
Adjudged unto him Macklin & q^r.

Which pleadings and Allegations of the
Attys on both sides being by the Court heard, weighed
and Maturely deliberated, It by the Court is Considered
this Seventh day of April Anno Dom 1702 that the
said Edward Fry take nothing of his Account aft^r
but be ino Money for his false Damour. And that
the said Samuel Jory, as to the writ aft^r, go therof
without day. And it is likewise Considered the same
day and year by the said Court that the said Samuel
Recovers against the said Edward Fry the sum of
two hundred and Six # # # pounds of Tobacco for
his Costs and Charges in this behalf paid out and
Expended according to the form of the Statute
in such Cases made and provided.