

Aug^r 1707

Arthur Miller Francis Spelman George Shotton & Sam^l Thomas Who to speak
of y^e truth of y^e promises aft^r being duly & betw^e tryd & sworn having heard y^e s^r
Peter Alaby take his oath to y^e truth of his dect. aft^r and having had their charge
doe wth draw to consider and after some time doe returns to y^e barr and upon
their Oaths doe say That they doe fine for y^e M^r Peter Alaby and also his damages
to y^e s^r sum of five thousand ^{hundred} four hundred & one pounds of Tobacco
whereupon y^e s^r Dofth by their aft^r Att^r moved y^e Co^{rt} in arrest of y^e said Verdict
and desired that time might be given to them untill y^e next Co^{rt} to file their
Reasons for y^e same W^{ch} to them was granted The same day was given to y^e
aft^r M^r also

At w^{ch} next Co^{rt} viz^t this twenty eighth day of Aug^r in y^e year aft^r come y^e M^r s^r
by their aft^r Att^r And y^e Reasons for stay of Judgm^t on y^e Verdict aft^r by y^e s^r
Dofth filed are read as followe Viz^t

- First, One of y^e Juro^r who tryd y^e matter of fact was not at that time a good &
lawfull man as by y^e Lawe he ought Viz^t W^m Price
- Secondly, The Coron^r for West County viz^t Col^l Tho^s Smyth by virtue of a Writ directed
to him attached y^e body of Maj^r Tho^s Ringold one of her Maj^{ties} Justices for
s^r County whereas no such p^{ro}cept ought to be directed to y^e Coron^r for by attaching
y^e body of Col^l Scott being Sheriff of y^e Co^{ty} y^e other was bound to answer
Thirdly, No Co^{rt} of this Province can give Judgm^t in any such Action as s^r M^r hath
agst s^r Dofth y^e aft^r M^r having relapsd his time as the s^r Dofth are ready to verify for
w^{ch} reasons they pray y^e aft^r Verdict may be sett aside & Earlt^r & Dofth

And now here a singular y^e Reasons above & y^e allegations of each s^r by y^e
Co^{rt} being heard & understood and mature deliberation thereupon had. The Co^{rt} give
their opinion That y^e first & second Reasons are insuffic^t to stay Judgm^t on y^e Verdict
But that y^e third Reason is good & suffic^t to stay Judgm^t as aft^r o^o Therefore it is
Considered by y^e Co^{rt} here That y^e Verdict of y^e Juro^r aft^r be sett aside vacated
and wholly be taken & had for nothing And that y^e s^r Dofth in their said
capacities for y^e sum of fifty pounds of Tob^o for y^e Non suits and also for y^e
sum of two hundred and ~~thirty~~ ^{thirty} pounds of Tob^o costs by them y^e s^r Dofth
in their s^r Capacities abt their defenses in this behalf expended and by y^e Co^{rt}
here of their assent adjudged have Execution &c.

Whereupon y^e aft^r Peter craves an Appeals from y^e Judgm^t aft^r W^{ch} is to
him granted wth giving security According to Act of Assembly &c.

Col^l Tho^s Smyth proves an Acc^t of Runaway him agst John Williams y^e he the
said John Williams hath absent ^{himself} out of his said Masters Service fifty three
Days and prays Judgm^t according to Act of Assembly in such cases made & ^{adjudged}
granted &c. Jam^s Smith