that he did not assume in manner & form as ye afs plaintiffs above against him hath declared & for this he putts himselfe upon the Country Bowne & Defend — & ye Pltff in like manner Philipson & Lord —

But the Said Pltff not being at Court nor any Evidence to prove ye matter afd alledged, his Pd Atty is willing to suffer a nonsuite w.th out any farther Tryal. Therefore it is Considered by ye Court here Viz.t this Twenty Sixth day of August Anno Dom 1708 that the Said Robert Roberts take nothing by his Writt & Decl.n afs but for his false Clamour he and his pledges of prosecuting be in mercy and that the Said Peter Mercy goe thereof without day &c. and also the Pd Peter Mercy doe recover against the Said Robert Roberts the Sume of two hundred and eleven pounds of Tobacco by ye Court adjudged him for his Costs and Charges about his defence in this behalfe laide out and expended According to ye form of the Statute &c. —

Jam Smith Clk

Commanded

Robert Roberts
Peter Mercy

Commanded it was to the Shff of Kent County the Twenty fourth day of September in the Sixth yeare of the Reigne of Our now Magestie Anne &c that he take Peter Mercy of Kent County afd planter if he should be found in his bayliwick &c him safe keepe so that he have his body before her Pd Magestie Justices of the next Court to be held at the Court house at ye Town & port of Chester in Pd County to answer unto Robert Roberts late of Pd County Gent of a plea of Trespass upon the Case and that he have then and there the Pd Writt &c. . Att w.ch Said next Court Viz.t the Twenty Fifth day of November in the yeare afd ye day of return of Pd Writt came Edward Scott Esqr Shff of Said County and made returne thereof in the words thereon Endorsed Viz.t Cepi Corpus Jo.ne Edw Scott Shff —

And the Said Defd being Solemnly called cometh & moves the Court here that the Said Robert Roberts may give bayle to pay costs if non Suited Ordered that the Said Robt Roberts doe give bayle to pay Costs ye the Said Peter Mercy should obtaine a Non Suite ag.t the Said Robert Roberts Whereupon Daniel Pearce becomes bayle & doth undertake for for the Said Roberts ye payment of all Costs if the Said Roberts shall be nonsuited & pay not the Costs afd —

And ye Pltff by Christopher Philipson his Atty moves the Ct here that the Said Peter Mercy may give Spec.l bayle to ye Pd Action of Trespass the Pd Roberts Ordered by ye Court here that the Said Peter Mercy ye Defd give Spec.l bayle to the Action afd against him — After w.ch Andrew Hamilton of Said County here in Court Cometh & becomes bayle & doth undertake for the Said Peter Mercy ye payment of ye Damages & Costs if it shall happen that the Said Robert shall obtaine Judgment against the Said Peter in the Said Action of Trespass upon the Case and the Said Peter ye Condemnation shall not Satisfie nor himselfe to the Custody of the Shrieffe of Said County delivered or that the Said Andrew ye Body of ye Said Peter shall not remain &c.

After which the Said Defd in his proper person appeared and prayed Liberty — thereof to imparle till next Court which to him was granted the Same day was given the Pltff also —

all