a Mr Jeffries then employed by him ye Said Josiah convent & reasonable days & did sell & deliver
to him the Said Josiah one Hogs Catt Jaw & one Cisque all wch amounts in ye value to the Sum
of three thousand three hundred Twenty and Seven pounds of Tobacco as ye Acc^t whereof
part vizt eight hundred & fifteen pounds of Tobacco by ye Said Josiah being paid the
Ballance thereof amounts to two thousand five hundred & eleven pounds of Tobacco as ye
Same Acc^t hereunto annexed and here in Court produced appears, Upon himselfe did assume
and unto the Said Philip did then & there faithfully promise that he the Said Josiah the afs^d
two thousand five hundred & eleven pounds of Tobacco ballance of the Acc^t as aboufsaid
when he the Said Josiah should be thereunto afterwards required unto the Said Philip would
well & faithfully pay & content Notwithstanding the Said Josiah his promise & assumption
as aforesaid made not minding or regarding butt contriving & fraudulently intending him the
sd Philip in this behalfe craftily & subtilly to deceive & defraud ye afs^d Sum of two thousand
five hundred & eleven pounds of Tobacco unto the sd Philip hath not paid or in any wise
for the Same given Satisfaction altho to doe the Same on the Sixth day of November aboufsaid
in Kent County afs^d wch in the Jurisdiction afs^d & ever Since he the Said Josiah by the afs^d
Philip was required But ye Same to him to pay he the Said Josiah hitherto hath and
still doth deny & refuse Whereupon he the Said Philip Saith that he the worse in and
damage hath to ye value of five thousand pounds of Tobacco & this he prays
Suite &c. Wellington & quod Reg^a &c. Joseph Doe Richard Roe

Anno 1704	Josiah Sutton Dr.		Cr.		
	when at work at Shrewsbury Church		By 305 of Pork at 2 ½		6 16
	for 12 months dyet for his self & man at 150 ℔	600	By Tobacco paid		200
	months cash				8 16
1705	for 7 months dyet to Jn Frogott & Job Co. each	2100	Rest due to P Burgin		2511
	for 5 weeks D^o to Mr Parsley & Jn Dodd	187			3327
	for 1 months D^o to my self & man	300			
	for 1 Hogs Catt Jaw	100			
	for 1 Twenty gallon Cask	40			
		3327			

Novr 6 1707 Recd Recepted for me
Philip Burgin

AND the afs^d Josiah by Christopher Philipson his Attorney Comes and Defends
the Force and Injury when &c and Saith that the Declaration afs^d of him the Said
Philip matter therein Contained is not Sufficient in Law for the afs^d Philip his Action
afs^d to have & maintaine and that he to that Deed in manner & form afs^d
made & declared hath not need nor by the Law of the Land is obliged to Answer
thereunto and this he is Ready to verify Wherefore for want of a Sufficient Deed in
that behalfe the Said Josiah prays Judgment and that the afs^d Philip his action
afs^d to have may be Debarred Philipson pro Defts —

Demurrer Signed W. Ellinor

Which Said Demurrer being read & Argued and mature deliberation
thereupon by the Court being taken the sd Demurrer is adjudged to be insufficient
in Law to Stay or Delay Judgment Therefore it is Considered by the Court
here vizt this Twenty Sixth day of August Anno Dom^i 1708 that the
Said