and require the Said Benjamin to pay ye Same, to witt for the 8 days at 30 ffb Tob a pd in
the whole amounting to the Sume of 240 pounds of Tobacco by which Action hath accrued
unto him the Said James, to have & Require of him the Said Benjamin ye afsd Sum of
240 pounds of Tobacco, for the afsd 8 day work nevertheless the afsd Benjamin, ley-
ing aside & assumption afsd in forme afsd made, not regarding, but contriving & fraudulently
intending him the Said James in that behalfe craftily & subtilly to deceive, & defraud the afsd
Sume of 240 pounds of Tobacco unto the Said James he hath not paid, although the Same lo-
ng upon the afsd first day of May in ye year afsd at Kent County afsd within the Jurisdiction
afsd. & often Since by the Said James he hath been thereunto required, but the Same to him
hath denyed & still doth denie, and refuse whereupon he Saith he is worse & Damage hath
to the value of 480 pounds of Tobacco and of this he brings Suite &c. Bond &c pro Dam.
pledge Jn Doe Richd Roe and pray that the Deft to this Decl may answer —

And the afsd Benjamin by Christopher Philipson his Attorney Comes & defends
ye force and Injury when &c & for plea Saith that actio the afsd Damey did not undertake
the Business of a Millwright nor work thereat as in his Decl afsd is Sett forth yett he the
Said Benjamin hath fully paid & before the time of the pltff purchasing his Cause
of Action against the Said Benjamin he the Said Benjamin hath & had fully paid the Said
James for all work done for him the Said Benjamin & was thereof verbally acquitted
by the Said James and that in the year 1708 afsd And that the Said James hath not
done any work for the Said Benjamin Since the Said acquittance and of this he puts
himselfe upon the Country Philipson pro Def.

And the pltff in like manner Doe pro Def —

Thereupon Command was given to the Shff of Kent County that he imme-
diately cause to Come here before her Said Majesties Justices twelve &c By whome &c to
recognize &c because as well &c the Shff makes Return that he has here ready twelve &c as
by his precept it was Commanded Viz Benjamin Ricaud Thomas Church Samuel Wicks Richard
Camble George Smith Geo Browning Thomas Christian Robert Horsman Robert Parks —
John Savage Morgan Sangah Francis Barney Who to speake the truth of ye premisses —
being duly elected tryed & Sworn having had there charge did Depart from the bar to —
consider on the premisses & after Some time do again return to the bar and being called
over as after the pltff and Deft being Demanded whether they find for the pltff
or Deft Doe Say we of the Jury find for the pltff and assess the Damages of the Said pltff
to the Sume of One hundred & Sixty pounds of Tobacco and by Benjamin Ricaud there
fore men all of them so Say whereupon the Said Deft by Christopher Philipson his attly
moves the Court here for a non Suite by Reason of the Damages assest by the afsd Jury is not —
within the Jurisdiction of this Court to give a Judgment o: o: Therefore it is —
Considered by the Court here Viz this Twenty Sixth Day of August Anno Do-
mini 1708 that the Said James King the Deff take nothing by his Writt and

Declaration