

Nov. 6th 1707

Judgm^t if they to y^e. same plea ^{is} that forme pleadd ought to answer ^{cc}

Demurror joynt Philipson

Wallinger ^{Attys}

And now here y^e. s. plea Demurror being read & by y^e. Co^{rt} fully heard & understood and mature deliberation thereupon had It is considered by y^e. Co^{rt} That y^e. a. s. plea of y^e. s. Def^t Daniel Norris is not good & suffic^t in Law y^e. a. s. ^{Attys} in their s. capacity from their accⁿ a. s. ag^t y^e. s. Daniel to do barr and therefore it is considered by y^e. Co^{rt} here That y^e. s. ^{Attys} in their a. s. capacity doe recover ag^t y^e. s. Daniel Norris a swell y^e. a. s. sume of four thousand six hundred twenty & three pounds of Tob^o. damages by y^e. s. ^{Attys} in their s. capacity on acc^t of y^e. a. s. p^rmisses sustained as also y^e. sume of two hundred ninety nine pounds of Tob^o. costs by y^e. s. ^{Attys} in their a. s. capacity ab^t their suits in this behalfe expended and by y^e. Co^{rt} here of their a. s. out adjudged And y^e. s. Dan. in morey
Ja^s Smith ^{Att}

Upon y^e. motion of Elpher Philipson one of y^e. Att^{ys} of this Co^{rt} this Writ following was issued out returnable before her Maj^{ty}. Justices in Co^{rt} now Judicially sitting viz^t

Will^m. Acknoll ^{Esq} and returned And y^e. s. Def^t Cornelius Kiof being called
Cornelius Kiof ^{Scqn} cometh And y^e. s. ^{Att} Will^m. Acknoll by
Christopher Philipson his Att^{ny} moves y^e. Co^{rt} That y^e. s. Cornelius may give
spec^{ie}. Bayls to y^e. Accⁿ a. s. Which is not granted
Wherupon y^e. s. Cornelius by Rich^d. Hunter his Att^{ny} appears and prays
liberty to imparle untill y^e. next Co^{rt}. Which to him is granted Tho same day is
given to y^e. s. Will^m. a. s.

Jn^s. Hawkins ^{Doct} Matthew Smith ^{Esq} Esther Lewis ^{Esq} Tho^s. Tolloy ^{Esq} Tho^s. Tolloy ^{Esq}
Will^m. Sigbey ^{Cont} Elpher Philipson ^{Cont} Tho^s. Tolloy ^{Esq} Tho^s. Tolloy ^{Esq}
Doct cont^{at} Tho^s. Tolloy ^{Esq} Tho^s. Tolloy ^{Esq}

Elpher Philipson } Christopher Philipson one of y^e. Att^{ys} of the County Co^{rt} of Kent who
brought her Maj^{ty}. Writ ag^t Tho^s. Tolloy of Kent County Contⁱⁿ
a plea of trespass upon y^e. case hath not prosecuted the same after y^e. appearance of
y^e. s. Tho^s. Tolloy Therefore it is considered by y^e. Co^{rt} here That y^e. s. Christopher take
nothing by his Writ a. s. but for his false clamour be in morey and y^e. s. Tho^s. go
thorow of what day It is also considered by y^e. Co^{rt} here That y^e. s. Tho^s. Tolloy doe recover
ag^t y^e. s. Christopher Philipson y^e. sume of fifty pounds of Tob^o. for his Non suite & also y^e. sume
of one hundred fifty & four pounds of Tob^o. costs by y^e. s. Tho^s. ab^t his defenses in
this behalfe expended and by y^e. Co^{rt} here of his a. s. out adjudged amounting in
the