

March 17<sup>th</sup> 1707

and if no Disability be then alleged as an Evidence the Court is not to direct  
 for the Law is that every person shall stand & fall by their own Pleadings and  
 Letters — And if no Plea of Disability or Exception appear upon Record —  
 then no Judgment can be given that the person is no Lord: in Law And it would  
 be an Imposition upon the Subject to disable his Lord: contrary to Law and  
 then give Judgment on a verdict found ag<sup>t</sup> him purely w<sup>o</sup>ut his Evidence  
 either admitted or Lawfully disabled the Philipson propria persona

AND now here all and Singular the Reasons abovesaid and the  
 allegations of each party by the C<sup>t</sup> being heard and understood and mature  
 deliberation thereupon had the C<sup>t</sup> give their opinion that the Reasons are  
 insufficient to stay Judgment Whereupon the said Deft Michael Miller  
 by his att<sup>y</sup> moving the C<sup>t</sup> for Judgment on the verdict a<sup>s</sup> it is to  
 him granted — Therefore it is considered by the C<sup>t</sup> here that the  
 said Christopher Philipson take nothing by his Writ & Dec<sup>r</sup> but that  
 for his false plaint here and his pledges of prosecuting & in money & that  
 the said Michael Miller do recover against the said Christopher Philipson  
 the Sum of fifty pounds of Tobacco for his non Suit and also  
 the Sum of nine hundred thirty two pounds of Tobacco costs by the  
 said Michael Miller about his defence in this behalfe expended and by  
 the C<sup>t</sup> here of his assent adjudged and the said Michael have thereof  
 Execution &c

J<sup>o</sup> Smith C<sup>t</sup>

George Sanders } Dec<sup>r</sup> Rob<sup>t</sup> Roberts } J. C. Dec<sup>r</sup> } The Sum of J. C. Dec<sup>r</sup>  
 of } agreed } at } Cont<sup>r</sup> } at } Cont<sup>r</sup>  
 William Taylor } Peter Moray } — } The Sum of —

Laco: Gresse } J. C. } Daniel Norris } Li fac 27 83 } Anth<sup>o</sup> Richardson } d. 5000  
 of } agreed } of } abated by } of } Dec<sup>r</sup>  
 Marg<sup>r</sup> Ains } } Wm<sup>o</sup> Dorrell } death of } } The Folley } Cont<sup>r</sup>  
 Frutab<sup>r</sup> } } Edw<sup>o</sup> Swatnam } of } — } —

Thomas Whitehead } d. 1500 }  
 of } Dec<sup>r</sup> }  
 Ben<sup>o</sup> Giffon } discont<sup>r</sup> }