

March 17th 1707

years ago at Kent County within the Jurisdiction aforesaid. He the said Dominick by reason of the Request aforesaid of the said George Faith promise of the said Peter in Consideration as aforesaid Demand payment of him the said Peter of the said Money who then there utterly deny'd to pay the said Summ by which hath accrued unto him the said Dominick to require & have of him the said Peter aforesaid Summ of Six hundred pounds of Tobacco Nevertheless the said Peter his Promise & assumption aforesaid in form aforesaid made not regarding but Contrary & fraudulently intending him the said Dominick in that behalf Casually & suddenly to deceive & defraud of aforesaid Summ of Six hundred pounds of Tobacco unto the said Dominick hath not yet paid but still doth deny & refuse to pay the same Whereupon he saith he is woful & damage hath to the value of Twelve hundred pounds of Tobacco of this he brings Suit by Philipson pro D^o & the said Peter

AND the said Peter Brett being solemnly called comes to and by Michael Earle his Attorney moves the Court here that the said Dominick Kinslagh may give Bayle to pay cost if non Sued: Ordered by the Court that the said Dominick Kinslagh do give Bayle to pay Cost if the said Peter should obtaine a non Suite against the said Dominick Kinslagh Whereupon Cometh in Mr. William Massey & David Cowley of this County & becomes Bayles both undertake for the said Dominick the payment of all Costs if it shall so happen that the said Dominick shall be non suited & pay not the Cost aforesaid.

Affter w^{ch} the said Peter by Michael Earle his Attorney appears

AND the said Deft by Michael Earle his Attorney comes and deposes the force and Injury w^{ch} he saith that he hath paid & satisfied the Summ of Six hundred pounds of Tobacco claimed by the Pl^{ff} in his Deed and therefore of pl^{ff} he Account the said Deft ought not to maintain And of this he swears himself upon the Oath

And the Pl^{ff} in like manner Philipson pro D^o

Thereupon Command was given to the Sher of Kent County that he immediately by cause to come here Twelve by whom he to Recognize the Cause as well as the Sheriff makes Return he has here ready Twelve by his precept it was Commanded Francis Barney John Wilton Edward Mokon Isaac Lamb Moses Alfat John Jones Edward Carole William Johnson Thomas Quinn Philip Davis Christian Christian Robert Foreman which Jury being duly elected & sworn to by the Judge Joyned & having heard the whole Matter and allegations on both Sides the Court gave them their charge who with draw to consider on the Premises & after some time doe againe Return to the Court and being called over as aforesaid the Pl^{ff} and Deft & being demanded what they find for the pl^{ff} or Deft doe say we of the Jury find for the Deft and by Francis Barney there Jaeman also say Whereupon the said Deft Peter Brett by Michael Earle his aforesaid Attorney moves the Court for Judgment on the Verdict aforesaid

and