

Aug^t. Co^{rt}. 1707

That whereas y^e. aft. Philip y^e. tenth day of Nov^r. Anno Dom^o one thousand seven hundred & five at Kent County a^{ft}. wth y^e. Jurisdiction of this Co^{rt}. in consideration that y^e. aft. Gerrardus in his life time viz^t. upon y^e. day & year a^{ft}. in y^e. s^t. County wth in y^e. Jurisdiction a^{ft}. Had sold & delivered unto him y^e. s^t. Philip a certain Serv^t. Woman named Mary Ezard for a certain term of two years then next to come Did upon himselfe assume and unto y^e. s^t. Gerrardus then & there faithfully promise That he y^e. s^t. Philip y^e. full & just sume of one thousand pounds of Tob^o. when therunto required would w^{ell} & faithfully pay & content And altho' y^e. aft. Philip did pay unto y^e. aft. Gerrardus in his life time y^e. sume of five hundred pounds of Tob^o. parte of y^e. s^t. sume of one thousand pounds of Tob^o. Yett notwithstanding y^e. sume of five hundred pounds of Tob^o. residue of y^e. s^t. sume of one thousand altho' often required unto y^e. s^t. Gerrardus in his life time he did not pay neither hath he paid y^e. same unto y^e. s^t. James since y^e. death of y^e. s^t. Gerrardus altho' y^e. same to doe upon y^e. first day of April Anno Dom^o one thousand seven hundred & seven at Kent County a^{ft}. wth in y^e. Jurisdiction a^{ft}. & often since by y^e. s^t. James in his capacity a^{ft}. he hath been therunto required but y^e. same to him to pay he hath deny'd and as yett doth deny & gain say Whereupon he saith he is worse and damage hath to y^e. value of one thousand pounds of Tob^o. And of this he brings suite &c. And he brings here into Co^{rt}. Letters of Adm^o con^{gr} Philipson & quod } Hodges &c. a J^o. Doo

And y^e. s^t. Philip by Mich^l. Carlo his Att^y comes & defends y^e. force & injury - when &c. And saith That he did not assume upon himselfe As y^e. s^t. James in his capacity above hath declared ag^t. him And of this he putteth himselfe upon y^e. Country And y^e. s^t. James in like manner &c.

Therefore it is Com^{mand}ed to y^e. Sher^{of} of s^t. County That wth out delay he cause to come here twelve &c. By whom &c. Who wth or &c. To recognize &c. Because a^{pp}ell^o And now here come y^e. J^uris a^{ft}. by their a^{ft}. Att^y And y^e. Sher^{of} of s^t. County viz^t. Edward Scott makes retorne of y^e. Prest a^{ft}. in all things served & executed, The Juro^{rs} by y^e. s^t. Sher^{of} impannelled being called likewise come viz^t. Will^m. Hayson - Rob^t. Parker Rich^d. Mason Peter Morfey James Galloway Anthony Knowlman Tho^s. Guinn J^o. Blakistone Joseph Skidmore Morgan Tenby Will^m. Smith J^o. Swift Who to speake y^e. Truth of y^e. promises a^{ft}. being duly o^{ath}ed tryed & sworn having heard their Evidence and had their charge doo wth drawe from y^e. Barr and after some time doo retorne And upon their Oath doo say That y^e. s^t. Philip Ezard doo assume upon himselfe as y^e. s^t. James in his a^{ft}. Capacity hath above declared ag^t. him and doo assess y^e. damages of y^e. s^t. James in his s^t. Capacity upon occasion of y^e. promises to five hundred pounds of Tobacco Whereupon y^e. s^t. James in his s^t. capacity by his a^{ft}. Att^y moves for Judgm^t. on y^e. Verdict a^{ft}. W^{ch} is granted