

November 1716

Court until this present Court and now at this Court the same actions stand  
 for trial came the app<sup>r</sup> p<sup>r</sup> by his app<sup>r</sup> atty and the app<sup>r</sup> Deft by his  
 app<sup>r</sup> atty and files his plea which was *Not Guilty* AND the app<sup>r</sup> John Moore  
 by James Earle his atty comes and defends of force and injury when  
 he. And by protestation not Confessing or allowing but denying the  
 Credit given by the app<sup>r</sup> p<sup>r</sup> to him this Deft for plea Saith that as to  
 the first assumption laid in y<sup>e</sup> Deed of y<sup>e</sup> app<sup>r</sup> p<sup>r</sup> true it is that he  
 this Deft was at the time laid in y<sup>e</sup> Deed of y<sup>e</sup> app<sup>r</sup> p<sup>r</sup> as to y<sup>e</sup>  
 same assumption justly indebted to the said p<sup>r</sup> in the sum of one  
 thousand eight hundred pounds of Tobacco but that since he this Deft  
 hath paid and satisfied him the said p<sup>r</sup> of sum of three thousand  
 four hundred twenty three pounds of Tobacco (to wit all Pauls p<sup>r</sup>  
 in S<sup>t</sup>. County app<sup>r</sup> and within the Jurisdiction of this Court the first day of  
 June One thousand seven hundred and fifteen as by a particular Aco  
 thereof hereto annexed may more plainly and at large appear which  
 sum he prays may be allowed & discounted according to an Act of  
 assembly of this Province in such cases made and provided and as to  
 the second third & fourth assumptions laid in the app<sup>r</sup> Deed of y<sup>e</sup> app<sup>r</sup>  
 p<sup>r</sup> he this Deft says he did not assume in that manner & forme  
 as he of said p<sup>r</sup> above in his Deed ag. this Deft hath imposed and  
 thereof he puts himself upon the Country. James Earle of Deft  
 W. John Fanning S. March 1714 To Job. pd you by Simon Wilmer 48  
 To D. paid you by May W<sup>m</sup> Tott 684 to. To weaving 53 1/2 yds Coal at  
 6 yd 321 to. To Job pd y<sup>e</sup> M. 18<sup>m</sup> Friday 490 to. To 1 barrel  
 Indian Corn of Daniel Della hunter 100 to. To Job. 1623. Errors  
 Receipt of me J<sup>n</sup> Moore

and the said p<sup>r</sup> saith that the app<sup>r</sup> Deft the discount app<sup>r</sup> of the  
 app<sup>r</sup> three thousand four hundred twenty three pounds of Tobacco out  
 of the app<sup>r</sup> first assumption above mentioned to have ought not  
 because he the said p<sup>r</sup> saith the said Deft did not pay the said  
 three thousand four hundred twenty and three pounds of Tobacco  
 in manner and forme as y<sup>e</sup> app<sup>r</sup> Deft above in pleading hath alleged  
 and this he prays may be enquired of by y<sup>e</sup> Country. *Sheweth*  
 and the Deft likewise saith that he  
 Command was therefore given to the Sheriff of Kent County that he  
 immediately cause to come here to wit the Deft by whom he is  
 Recognize to. who neither he. Because as well as. And the Sheriff  
 comes and makes return of his precept and saith that he hath been  
 ready