

And whereupon, the said James Shirley being witheth his verification aforesaid by him above pretended, and saith that he cannot gainsay the action aforesaid of the said John, nor but he assumed upon himself in manner and form as the aforesaid John above against him complained and as to the damage of the same John by him by reason of the premises in that part sustained, the same ^{James} John saith and confesseth that the aforesaid John sustained damages by reason of the premises beyond his costs and charges by him about his suit in that part appoised to three pounds twelve shillings and eight ^{half penny} pence, and not more and because the aforesaid John deny's not this but the same allegation confesseth to be true prays Judgment and those damages above confessed together with his costs and charges aforesaid to him adjudged for.

Therefore by consent of the parties aforesaid it is considered that the aforesaid John Stewart recover against the aforesaid James Shirley his damages aforesaid to the aforesaid three pounds twelve shillings and eight ^{half penny} pence. ²¹²⁰ And money in full aforesaid confessed as also two hundred and twenty ~~pounds~~ ^{pounds of tobacco} for his costs and charges aforesaid to the same John at his request by the Court here consent of the parties aforesaid adjudged with stay of execution till next Court and date of stay in writing for.

At: The Same - Somerset County. Be it remembered that on the twenty ^{first} day of March in that
16. The Same. - same term came here into Court John Stewart Junr by Francis Allen his Attorney and Exhibited to the Justices here his certain Bill against James Shirley Gent: one of the Attorneys of the County Court of the Right Hon^{ble} the Lord present here in Court in his own proper person of Appeal of trespass upon the Case: the Tenor of which Bill follows in these words to the Justices of the Right Hon^{ble} the Lord present here in Court here now held for the County of Somerset County: John Stewart Junr by Francis Allen his Attorney complains of James Shirley Gent: one of the Attorneys of the County Court of the Right Hon^{ble} the Lord present here in Court in his own proper person of Appeal of trespass upon the Case: for that whereas the aforesaid James the twenty Seventh Day of July anno: Dom^o Seven ten hundred and thirty one at the County of Somerset aforesaid within the Jur: of this Court was Indebted unto the said John in four thousand pounds of tobacco for one pipe of Madera wine by the said John to the said James before that time there sold and Delivered as by account thereof here unto annexed may in Court appear and being so thereof Indebted the said James in consideration thereof the day and year aforesaid at the Place aforesaid within the Jur: aforesaid upon himself did promise and to the said John then and there did faithfully promise that he the said James the aforesaid four thousand pounds of tobacco to the said John whom he should be there unto requested he would well and faithfully pay and Content altho' the same James two thousand ^{Seven Hundred} pounds of tobacco percell of the aforesaid four thousand.