of the said Tobe might come under the Name of the said James Gioan who had no interest Claime nor title to the said Tobe to Ship the Goods so returned nor sum any priuiledge of the Same but only his name mentioned in the Bill of Lading Now the said John Edgar in fact saith that the Hogshead Tobacco Barrell of Tobe was sold Mr John for the Sume of fifteen pd Sixteen Shill & four pence Stert the Freight & Bricon of which Tobe comes to the Sume Three pound one pound Shill & one penny three farthings which ded ucted from fifteen pound Sixteen Shill & four pence there remaines Twelve pounds fifteen Shill & two pence farthing which the said James Gioan ought and ought in manner of Right doth deny to deliver unto the said John Edgar the produce of the said Tobe which is 12 = 15 = 2 — 19/4 though often thereunto requested but the same to do hath refused & still doth refuse to the great Damage (and profitt that he might have made of the returne of the said Tobe) of 20 pd Stert & thereupon he brings this Suite &c —

Worthington pqueu Pledge to In Doo —
Richd Roe —

And the said James Gioan by William Bozman his attorney defends the force & injury & prayeth Leave thereof to imparle here until the next Court to be held here the Second Tuesday in March next & he hath it the Same day is given to the pltf also at which day here came as well the said John Edgar as the said James Gioan by their Attorneys & prayeth farther Leave to imparle here until the next Court to be held the Second Tuesday in June next and he hath it & the Same day is given to the said John Edgar also at which day here came as well the said John Edgar as the said James Gioan by their attorneys & prayeth further Leave to imparle here until the next Court to be held the Second Tuesday in Augt next and he hath it & the Same day is given to the said John Edgar as well the said John as the said James Gioan by their attorneys & the said John Edgar prays that the said James Gioan to his Decl & may answer —

And the deft by Wm Bozman his attorney for plea saith that he is no way indebted & that he never had the afore alledged Goods & for Tryall puts himself on the Court

Bozman for deft

And the pltf also — Worthington pqueu

The Allegacons on both Partys being duly Weighed & Considered by the Court & the evidences on both partes being heard & fully understood Therefore it is Considered that the said John Edgar recover agt the said James Gioan the Sume of Twelve pounds fifteen Shill two pence farthing Stert as also the Sume of Twelve hundred fifty one pounds of Tobe more for his Cost & Charges in this behalf said out & expended & the deft in Mercy

Vera Copia

Peter Dent Clk —

And the said James Gioan by Jacob Requier his Attorney comes here before the Ma[ties] Justices of the Peace Court & saith that in the Record & proceedings aforesaid & in the rendering the Judgmt aft it is manifestly Erred in that —

1 That there is no Connexion or sence in the words of the Decl as they are there in Expressd —

2 That whatsoever was done by Spence, Ribson, Monteith & Gale or any of them can in no wise affect the now Plaintiff Gioan —

3 That that there is neither Consideration nor so much as a bare assumption alledged in the now deftts declaration agt the now Pltf —

4 That there is neither time Place nor fact said in said Decl agt Pltf Gioan but only that other persons did such a profanded Injury & Pltf Gioan refuse to make Satisfaction for it —

5 That the Deftt Decl thereupon is wholly uncertain & wanteth Sense

6 That the Judgmt says that the now Deftt shall recover ten pounds fifteen Shill Stert & whether for dt or damage is not mentioned

7 That if it be presumed (which cannot be in a Judgmt which in its nature is or ought to be unquestionably certain) that the words (Debt) or (damages) were meant it cannot be Debt from the nature of the Action being Trespass on the Case wherein nothing but damages can be recovered & if damages there damages must be found & ascertained by a Jury & not given by a Court which cannot enquire thereof but by a Jury —

For all which Errors & many others in the Record & Proceed aft appearing the said James Gioan prayeth the Verdict Judgmt & Proceedings aft in the Decl aft be reversed annulled & altogether holden for none And that he to all that by occasion thereof he has lost may be restored &c. —

Ja: Requier —

And now here at this Court to wit the Second day of October 1701 comes the said John Edgar by Wm Dent his Attorney & prays Leave to imparle thereunto until next Court & it is granted him the Same day is given to the pltf also —

At which said next Court to wit the twenty Ninth day of April Anno Dni 1702 came as well the said James Gioan as the said John Edgar by their Attys aft And the said John Edgar by his Attorney aft prayd further Leave to imparle thereunto until next Court & it is granted him the Same day is given to the pltf likewise —

At which said Court convened the 21st day of October Anno Dni 1702 came again the said Partys by their Attorneys aft And the John Edgar by his said Attorney saith that he may have further Leave to imparle thereunto until next Court & it is granted him the Same day is given to the pltf likewise —

Now here at this day to wit the 27th day of April Anno Dni 1703 came as well the said James Gioan by Jacob Requier his attorney as the said John Edgar by Wm Dent his Attorney aft who saith that in the Record & Proceedings aft & also in the rendering the Judgmt aft it is in nothing Erred & of this he prays the Judgt of the Court — Thereupon the Record & Process aft & the rendering of Judgmt thereupon & the aft Causes & Matters of Errors assigned being heard read & by the Justices fully understood & deliberately Scanned & for that it appears to the Same Justices that in the record & Proceedings aft it is manifestly Erred & it is therefore considered by the Justices here this day & year last mentioned that the Judgmt of the said County Court aft for the reasons & Errors aft in the record & process aft be reversed annulled & altogether holden for Nought & that the Same Gioan unto all thing that the Plaintiff by the occasion of the Erroneous Judgmt aft Lost be restored & that the said