unto this next Court for that the said Court as yet is not [illegible]

At a Court held at Court house this twelfth day of October Anno Dni 1705

Come as [illegible] Parties by their Attorneys [illegible] and further [illegible]

Court here upon [illegible] of their Judgment of and upon the premisses day

is given unto the said parties until this next Court to hear their Judgment

for that the Court here as yet is not [illegible]

At which said next Court held this twenty fourth day of April Anno Dni

1705 Come again the said parties by their Attorneys aforesaid and whereupon

all and singular the premisses being by the Court here heard seen & full

understood and matur deliberation being thereupon had It is considered

by this Court here this said day and year that the Judgment be in all

things affirmed and stand in its full strength the matters and things

above for Errors assigned in any wise notwithstanding and also that the

said Appellee do recover against the said Major James the sum [illegible]

pounds of tobacco for his costs and charges

and Damages by occasion of this Delay of execution and by reason of prosecuting this writ of Error aforesaid and that the said Attorney have thereof Execution &c.

Mr Arthur Whitby - - } Ye Worshipful Justices of Dorchester County Court

John Purvis and Company } humbly sheweth Justices of the peace in all the

in appeals the following viz.

Maryland ss. At a Court held on Ye Worshipful Justices and Conservators of the peace for the County of Dorchester the twentieth day of March Anno Dni Seventeen hundred and three present the Worshipful

Thomas Ennalls, Esq. Col. Jacob Lockerman Mr. Walter Campbell

Maj. John Taylor Mr. Joseph Ennalls Mr. Richard Owens Mr. John Keen

Dorchester Co. Arthur Whitby of the aforesaid County was attached to answer unto

John Purvis of London and Company merchants of a plea of trespass

upon the case. And whereupon the said John Purvis and Company

by John Leech his attorney complains and says that whereas the

said Arthur Whitby at Dorchester County within the Dominion of this

County Colony the twenty fourth day of December Anno Dni 1700 stood and was

justly indebted unto the aforesaid John Purvis and Company by account in the

sum and just sum of Seventeen hundred sixty five pounds of tobacco it

(being

being for sundry goods wares and merchandizes by the said Arthur bought and

delivered at by the account of particulars thereof [illegible] and

[illegible] to Court being the whole debt [illegible] and yet more to be paid by

the said Arthur [illegible] as aforesaid in consideration thereof the said Arthur

of his own [illegible] upon himself and unto the said John Purvis and Company

faithfully promised that he the said Arthur Whitby should and would pay unto

them the said sixty five pounds of tobacco when afterwards thereunto required

the said John Purvis and Company he would well and truly pay or cause to be

paid yet nevertheless the said Arthur Whitby the aforesaid sum of Seventeen hundred

sixty five pounds of tobacco unto the said John Purvis and Company according to

his said faithful promise and assumption made as aforesaid he hath not paid but

altho he the same at Dorchester County the twenty sixth day of November in the year

Anno Domini 1703 he was thereunto required but the sum of 1665 pounds of tobacco

to pay hath denyed and still doth deny to refuse wherefore upon the oath of the

said John Purvis and Company they are damnified and have lost to the value of

thousand three hundred and thirty pounds of tobacco and therefore they

bring their suit. Hereupon [illegible] John Purvis Richard [illegible] Wm. Arthur Whitby

Dr. to John Purvis and Company Dec. 24th 1700 to a piece of Holland

and 18 ells at [illegible] 284 to a piece of Dread cloth 18½ yds at 10 [illegible]

yard and 194 to one pair of broad Osnabriggs 62 ells at 10 [illegible] ells

pieces of Osnabriggs 51½ ells at 11 [illegible] ells 567 totalls 1665 [illegible]

Copia Vera Recorded [illegible] John Broom

And the said Theodorus Bowman his attorney comes and defends the force

and injury when [illegible] and prays oyer of the said Writ and

granted him till next Court the Court Day is given the plaintiff also to prosecute

Which said Cause stood continued from Court to Court from the first day of June 1703

of January 1703 by [illegible] of March next Court Day to wit March the 11th 1703 comes as well

the said John Purvis and Company by their said Attorney as the said Arthur [illegible]

his said Attorney and the said John prays that the said Arthur to the said Declaration

may answer. And the said Theodorus [illegible] Attorney comes and defends the force

and injury when [illegible] said for plea saith that he is not guilty of the premisses

Bowman Defendant and the said [illegible] of the writ [illegible]. Whereupon Commandment

given that the Sheriff of the County shall take Cause to come before the Worshipful Justices

[illegible] whom [illegible] who hereto [illegible] to recognize [illegible] Now this day to wit the

Eleventh of March 1703 Come the said John Purvis and Company by their said Attorney

as the said Arthur by his said Attorney and the Jurors being in impanelled being

called the Jurors Jonathan [illegible] William Polson John Stevens John Polson Edward

Jenamock William [illegible] Arthur Hooper Charles Mackoole John Stafford John

(Taylor