Thomas Grisby in his life time in Consideration thereof afterwards viz the fourteenth Day of May in the Year at the Parish County and Jurisdiction aforesaid upon himself Assumed And to the said plaintiff then and there had Mentioned faithfully promised that to the said Thomas Grisby the aforesaid Sum of three thousand and twenty seven pounds of Tobacco and Seventeen pounds twelve Shillings and six Pence Sterling Money to the said plaintiff when thereunto required would well and truly Content and Pay Nevertheless the said Thomas Grisby in his life time his several promises and Assumptions aforesaid in form aforesaid made little Regarding but slighting and fraudulently intending him the said plaintiff in that part Craftily and Subtilly to deceive and defraud the aforesaid Sums of Tobacco and Money which in the whole Amounts unto the Sum of Nine thousand Nine hundred and Eighty One pounds of Tobacco and Fifty One pounds Sterling Money to the said plaintiff hath not nor Mean Content for the same Altho that to do he the said Thomas Grisby in his life time viz. the Fourteenth Day of May in the Year aforesaid and then after at the Parish County and Jurisdiction aforesaid the aforesaid James and Peregrine after the Death of the said Thomas Grisby to whom Administration of all and Singular the Goods and Chattels Rights and Credits which were of the said Thomas Grisby at the time of his Death which Did Intestate as his Said were lawfully Granted were thereunto required the aforesaid Sums of Nine thousand Nine hundred and Eighty One pounds of Tobacco and Fifty One pounds Sterling Money But that to do the said Thomas Grisby in his life time altogether Denied And the said James and Peregrine hitherto hath Denied and still doth Deny to the Damage of him the said plaintiff Six thousand pounds of Tobacco and Thirty four pounds Sterling Money And thereupon he brings Suit &c

J Bowne Clerk Pltffs Atty

And Now here at the said Court the said plaintiff by his Attorney aforesaid prays that the said James Grisby and Peregrine Grisby in their Capacities aforesaid may make Answer unto the said Declaration of him the said plaintiff And altho they being solemnly called to Make Answer thereunto Come not nor Say Any thing in Bar or Avoidance of the same by which the said Josiah remaineth against the said James and Peregrine without Defence Therefore It is Considered by the Court here that the said Josiah Richardson do Recover against the said James and Peregrine Grisby in their Capacities as aforesaid the Sum of three thousand three hundred and twenty seven pounds of Merchantable Tobacco And Seventeen pounds twelve Shillings and six Pence Sterling Money And Also the Sum of three hundred and Ninety seven pounds of Tobacco Costs by the said Josiah about his Suit in this behalf Expended And by the said Court here Adjudged the said James Grisby and Peregrine Grisby in their Capacities aforesaid in Mercy

J Knight Clk

A True Copy taken from the Records of Essex County

J Knight Clk

And Now here at this Day to wit the Eighth Day of September Anno Dni 1719 Comes the said parties by their Attorneys aforesaid by Thomas Bowler their Attorney before the Justices of this Worshipful Court here And Says that in the Record and process aforesaid and also in the Rendring the Judgment aforesaid It is manifestly Error Imprimis In this to wit that the first process against the said Grisbys Ad. Appears to be Returnable at no Certain Day but at the next Court which by the Record appears to be the next Court after the thirteenth

Seventeen hundred and Nineteen But the Sheriff Returns it to November Seventeen hundred and Nineteen And the Defendants thereto Appear and Imparle until the next Court And thereupon the Court is said to be Continued from Court to Court until the present Court which is said to be the Ninth Day of June in the Year aforesaid wherefore there being two Years in the Record before mentioned It is uncertain which of the two Years the word (aforesaid) Relates to And for that the whole Entry appears to be Erroneous Contradictory and unintelligible Also in that the Cause appears to be Discontinued before trial — Also in that it appears the plaintiff in the County Court Brought Ejectment for want of Declaring against the Defendants there till the Very Day of Trial —

Also in that the Judgment is given against the Defendants by Default the same Day the plaintiff Declared against them on a Declaration that is Insufficient not alledging Non payment against the Adm.rs And is therein uncertain And wants form And for that 'tis on the Case And Concludes on the Debt Debt without Alledging a proper Debt of in Court —

Also in that the Court take upon them to Tax Damages in an Action on the Case And give Judgment for a Sum Certain without any Jury of Inquiry And Also for that the Judgment is rendred Generally against the Adm.rs without limiting the Sums Adjudged to be Levyed of the Goods of the Deceased &c

For all which Errors and Others in the Record and process aforesaid being the said Peregrine prays that the said Judgment may be Reversed Annulled and altogether held for Nous And that he to all things which thereby he hath lost may be Restored And that the said Josiah Richardson to the Errors aforesaid may Rejoyn &c

And Thereupon the said Josiah Richardson by William Cumming his Attorney Saith that in the Record and Process aforesaid and also in Rendring Judgment thereon It is in Nothing erred And Prays the same Judgment in all things may be Affirmed &c And thereupon and the said Peregrine Grisby Invoking Ad. as aforesaid by his Attorney aforesaid Prays the said Josiah Richardson by his Attorney aforesaid Pray that the Court of the said property here will proceed as well to the Examination of the Record and Process aforesaid as of the Matters above assigned for Errors &c Whereupon for that the said Court here are not advised of their Judgment of and upon the premises Day is given to the said parties to hear thereof their Judgment until this next Court for that the said Court here yet are not &c —

At which said next Court to wit the 13th Day of October Anno Dni 1719 Come again the said Parties plaintiff and Defendant by their Attorneys aforesaid But for that the Court here are not as yet advised of their Judgment of and upon the premises Day thereof is further given to the said parties to hear thereof their Judgment until next Court for that the said Court as yet are not &c —

At which said next Court to wit the 12th Day of April Anno Dni 1720 Come again the said parties plaintiff and Defendant by their Attorneys aforesaid But for that the Court are not as yet advised of their Judgment of and upon the Premises aforesaid Day thereof is further Given to the said parties to hear thereof their Judgment until next Court for that the said Court as yet are not &c — At which said next Court to wit the 20th Day of September Anno Dni 1720 Comes again as well the said Peregrine Grisby Invoking Ad. as aforesaid by his Attorney aforesaid as the said Josiah Richardson by his Attorney aforesaid whereupon All and Singular the Premises being by the Court here seen Heard and fully understood and Mature Deliberation thereupon had It is Considered by the Justices here this 20th Day of September Anno Dni 1720 aforesaid that the Judgment aforesaid for the Errors aforesaid and Others in the Record and process aforesaid being be Reversed Annulled and altogether held for Nous And that the said