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Thorowgood Smith by their Attornies aforesaid as before defends the force and injury when and so forth, and prays further leave of the Court to Imparle hereunto untill next Court and they have it, the same day is given to the aforesaid William Anderson and Aishew Berkett also —

At which said next Court, to wit, the said second Tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and ninety five come again here into our General Court as well the aforesaid William Anderson and Aishew Berkett by their Attorney aforesaid, as the aforesaid Edward Gwinn and Thorowgood Smith by their Attornies aforesaid, And the aforesaid Edward Gwinn and Thorowgood Smith by their Attornies aforesaid as before defend the force and injury when and so forth, and pray that the Court Commission issue to London in the Kingdom of Great Britain to examine Evidences in this Cause, and that the Depositions returned with the said Commission may be read in Evidence on the Trial hereof, and it is granted them, whereupon the said Edward Gwinn and Thorowgood Smith and the aforesaid William Anderson and Aishew Berkett by their Attornies aforesaid come again here into Court, and pray that the same Commission may be directed to James Brock, Joshua Johnson, William Murdoch and Horatio Blagett, Gentlemen of the City of London in the Kingdom of Great Britain aforesaid or any three or two of them to Examine &c. returnable with all convenient speed &c. and the same is issued accordingly. — Whereupon further process of and upon the premises aforesaid, between the parties aforesaid by consent of the said parties and their Attornies aforesaid, and by order of the Court here thereon is continued untill the second Tuesday of October next following

At which said second Tuesday of October being the thirteenth day of the same month Anno Domini seventeen hundred and ninety five come again hereunto our General Court as well the aforesaid William Anderson and Aishew Berkett by their Attorney aforesaid, as the aforesaid Edward Gwinn and Thorowgood Smith by their Attornies aforesaid, And the aforesaid Edward Gwinn and Thorowgood Smith by their Attornies aforesaid as before defend the force and injury when and so forth, and say, that they did not assume upon themselves in such manner and form as the aforesaid William Anderson and Aishew Berkett above against them have complained and of this they put themselves upon the Country &c.

(And)

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And the aforesaid William Anderson and Aishew Berkett in like manner and so forth. — Therefore further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their Attornies aforesaid, and by order of the Court here thereon, is further continued untill the second Tuesday of May then next following

At which second Tuesday of May being the tenth day of the same month Anno Domini seventeen hundred and ninety six come again here into our General Court as well the aforesaid William Anderson and Aishew Berkett by their attorney aforesaid, as the aforesaid Edward Gwinn and Thorowgood Smith by their Attornies aforesaid. But because the Commission aforesaid heretofore issued is not yet returned to the Court here Thereupon further process of and upon the premises aforesaid, between the parties aforesaid by consent of the said parties and their Attornies aforesaid, and by order of the Court here thereon, is further continued untill the second Tuesday of October then next following

And now here at this day, to wit, the said second Tuesday of October being the eleventh day of the same month Anno Domini seventeen hundred and ninety six come again here into our General Court as well the aforesaid William Anderson and Aishew Berkett by their attorney aforesaid, as the aforesaid Edward Gwinn and Thorowgood Smith by their Attornies aforesaid, Nevertheless the aforesaid Edward Gwinn and Thorowgood Smith by their Attornies aforesaid relinquishing the averment aforesaid above by them pretended say, that they cannot deny the Action aforesaid of the aforesaid William Anderson and Aishew Berkett so as aforesaid against them brought nor but that the aforesaid William Anderson and Aishew Berkett have sustained Damage to the sum of Twelve hundred pounds Current Money by occasion of the promise and assumption aforesaid in manner and form aforesaid so as the aforesaid William Anderson and Aishew Berkett above against them hath declared

Therefore it is considered by the Judges here that the said William Anderson and Aishew Berkett recover against the aforesaid Edward Gwinn and Thorowgood Smith as well the sum of Twelve hundred pounds Current Money their Damages aforesaid in form aforesaid confessed, as also the quantity of Nine hundred and twenty four pounds of Tobacco by the Court here unto the said William Anderson and Aishew Berkett on their Assent adjudged for their Costs and charges by them about their Suit in this Behalf laid out and expended And the said Edward Gwinn and Thorowgood Smith in Mercy &c. —

(Memorandum)