fraudulently intending him the said Jesse in this behalf craftily and subtilly to deceive and defraud the aforesaid quantity of Tobacco or any part thereof, to him the said Jesse hath not contented or paid (although so to do the aforesaid John Smith afterwards to wit on the day and year aforesaid, and often afterwards at the County aforesaid by the said Jesse was requested) but the same or any part thereof to content or pay hath altogether refused, and still doth refuse; To the Damage of him the said Jesse in the quantity of Twenty thousand pounds like Tobacco aforesaid, and therefore he brings Suit and so forth. Edward Nicholls for the Pltff. pledges and so forth, John Doe & Rich. Roe.

The Account mentioned in the aforegoing Declaration follows in these words, to wit. [here Enter the Account] Therefore the parties aforesaid by their Attornies aforesaid moved the Justices of the Court here, that the whole matter between them in variance may be referred (according to the approved custom of the Court here) to persons indifferently to be appointed by the Justices of the Court here, to adjust the matter in dispute; Whereupon it is ruled by the Court here by consent of the said parties and their Attornies aforesaid that Benjamin Oden and Nathan Levy be appointed referees between the parties aforesaid, and on their disagreeing to choose a third person, (with power to examine Everdences on Oath by consent of the said parties and their Attornies aforesaid) And that they or any two of them (when the whole matter concerning the premises, between the said Jesse Taylor and the said John Smith Brooks in variance, being fairly adjusted) have their Award in writing under their hands and seals and return the same to the Court here and Judgment of the Court to be rendered according to such Award, and be final between the parties aforesaid; Thereupon day is given as well to the said Jesse Taylor as to the said John Smith Brooks by the Court here until the first Monday in September next.

At which said first Monday in September being the second day of the same month in the year seventeen hundred and ninety three, comes again into our County Court here as well the said Jesse Taylor by his Attorney aforesaid, as the said John Smith Brooks by his Attorney aforesaid; And the Arbitrators aforesaid have not returned their Award, nor have they done anything therein; Thereupon further day is given as well to the said Jesse Taylor as to the said John Smith Brooks by the Court here until the first

(Monday)

monday in April next,

At which said first monday in April being the seventh day of the same month in the year seventeen hundred and ninety four, come again into our County Court here as well the said Jesse Taylor by his Attorney aforesaid, as the said John Smith Brookes by his Attorney aforesaid; Whereupon it being suggested to the Court here, by the said Jesse Taylor that Nathan Levy one of the Arbitrators aforesaid, since the last continuance of the Action aforesaid hath refused to act, And the Court being satisfied thereof on motion of the said Jesse Taylor by his Attorney aforesaid, it is ruled by the Court here that John Hodges of Thomas be appointed in the stead of the said Nathan Levy with the same power and authority to decide the mother in question as if appointed by the parties; Thereupon further day is given as well to the said Jesse Taylor as to the said John Smith Brookes by the Court here until the first monday in September next.

At which said first Monday in September being the first day of the same month in the year seventeen hundred and ninety four comes again into our County Court here as well the said Jesse Taylor by his Attorney aforesaid, as the said John Smith Brookes by his Attorney aforesaid; And the Arbitrators aforesaid have not returned their Award, nor have they done any thing therein Thereupon further day is given as well to the said Jesse Taylor as to the said John Smith Brookes by the Court here until the first monday in April next.

At which said first Monday in April being the sixth day of the same month in the year seventeen hundred and ninety five, comes again into our County Court here as well the said Jesse Taylor by his Attorney aforesaid, as the said John Smith Brookes by his Attorney aforesaid; And the Arbitrators aforesaid have not returned their Award; nor have they done any thing therein; Thereupon further day is gaven as well to the said Jesse Taylor as to the said John Smith Brookes by the Court here until the first monday in September next.

At which said first Monday in September being the seventh day of the same month in the year seventeen hundred and ninety five, comes again into our County Court here as well the said Jesse Taylor by his Attorney aforesaid, as the said John Smith Brookes by his Attorney aforesaid; And the Arbitrators aforesaid have not returned their Award, nor have they done any thing therein; Thereupon further day is given as well to the said Jesse Taylor as to the said John Smith

(Brookes)