

The Said philip Complaineth against the Said Daniel for that whereas the Said philip made a Crop of Tobaccoe on th<sup>e</sup> plantacon of Mathias obrian at Matawoman in Charles County and the Said philip his occasions causing his absence for a certain time, did desire the Said Daniel to Strike the Said Crop & he the Said philip would Satisfy th<sup>e</sup> Said Daniel for Strikeing the Said Crop of Tobacco Now the Said Daniel hath Stroke th<sup>e</sup> Said Crop and Converted it to his owne use by paying of it away in Satisfaccon of his the Said Daniels owne debts & dues and doth refuse to render an acco<sup>t</sup> of the Said Crop of Tobacco, to th<sup>e</sup> Said philip or any wise to Satisfy him for the Same though often thereto required to the great damage of him the Said philip, whereupon he Saith he is damnified & hath loss to the vallew of 3000<sup>th</sup> Tobaccoe & thereupon he bringeth his Suite. Liber D

whereupon th<sup>e</sup> def<sup>ts</sup> Attorney Richard Boughton did Alledge on the behalfe of the Deft that th<sup>e</sup> Said Defendant had bought the Said Crop of Tobaccoe of the plaintiff & had Satisfied him for the Same & for the proofe of this his allegation had Summoned three Evidences which were accordingly called & Sworne.

John Loyle aged twenty yeares or thereabouts Sworne & Examined in open Court Saith: That he heard Daniel Mathena Say he had bought philip Cary's Crop & that philip Cary came to his master (mathias Obrians) house, & they went into the tobaccoe house together: and further Saith not. [p. 119]

Charles woolley aged 25 yeares or thereabouts Sworne & Examined in open Court Saith: that he went into the Tobaccoe house with mathias obrian & that philip Cary Shewed Daniel Mathena his Tobaccoe & further Saith not

Mathias Obrian aged forty Six yeares or thereabouts Sworne & Examined in open Court Saith That philip Cary & Daniel Mathena coming to his house philip Cary went immediately into the Tobaccoe house & Shewed Daniel Mathena the tobaccoe & Said to him pay my Countryman (meaning him the Said Mathias) and further Saith not.

Whereupon the Court not finding these Evidences of any vallidity to prove the Sale of the Said Crop as by the Said Daniel Mathena pretended gave their judgement as foff viz: That the Said Daniel Mathena Should give an acco<sup>t</sup> of the Said Crop of tobaccoe to the Attorney of the Said philip Cary in Case the S<sup>d</sup> philip Cary Should not be present himselfe.

Nicholas Emanson P<sup>lt</sup> Came & appeared to prosecute his Suite Comenced against Elizabeth Hasell in an accon of trespasse on the Case.

Elizabeth Hasell likewise appeared to defend the Said Suite Comenced against her by nicholas Emanson as aforesaid & Entereth