

And whereupon Rich^d Boughton Attu^r for th^e Def^t pleadeth non Liber D
Assumpsit Whereupon th^e ensuing bills were produced

These ingage me Sam^{ll} Fendall to deliver unto Daniell Johnson
A warrant for one hundred Acres of Land in his owne name by
th^e last of Aprill next witness my hand this 10th of Feb^r 1668
Witness Gerard Fowke Sam^{ll} Fendall
Fran: Heydon

These ingage me Sam^{ll} Fendall to pay or cause to be pd unto
Daniell Johnson or His Assignes upon demand three hundred &
tenn pounds of to^b & cask witness my hand this tenth of Feb^r 1668
Witness Gerard Fowke Sam^{ll} Fendall
Fran: Heydon

Whereupon it was ordered th^t th^e sd Def^t should pay th^e 310^{lb} [p. 130]
of & to^b to th^e pl^t As alsoe to d^d to th^e pl^t A warr^t for 100 Acres
of Land wth Costs & Chargs of Suite

For two Daies Attendance.....	60
For Attu ^r Fees.....	60
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	120

Daniell Johnson came to prosecute th^e suite by him Com^{enced} ag^t
Sam^{ll} Fendall

Sam^{ll} Fendall also came & appeared to defend th^e suite com^{enced}
ag^t him by Daniell Johnson

Daniell Johnson Pl^t Sam^{ll} Fendall Def^t
In an Ac^c of Debt.

And whereas th^e sd Daniell Complaineth ag^t th^e sd Sam^{ll} for th^t
th^e sd Sam^{ll} by a Certaine writing obligatory under his hand & Seale
bearing date th^e 23rd day of March in th^e xxxvii yeare of th^e
Dominion of Caecilius Annoq^{ue} Domini 1668/9 did become bound
unto th^e sd Daniell to pay unto him th^e sd Daniell th^e sum^e of Six
hundred pounds of to^b in Cask in Portoba^c Creeke upon th^e tenth
of Novem^r Anno Domi: 1669 As by th^e sd Writeing here in Court
more plainly may appeare never th^e less th^e sd Sam^{ll} his obliga^{con}
little regarding but deviseing & fraudulently intending him th^e sd
Daniell of th^e sd sum^e of six hundred p^{ods} of tobacco to deceive
th^e sd sume of 600^{lb} of tobaccoe to him th^e sd Daniell hath not
satisfied according to his obligation in th^t behalfe passed but doth
altogether refuse to paye th^e same to his th^e sd Daniels great Loss
wherefore he saith he is damnified & hath loss to th^e valew of 900^{lb}
of to^b & hereupon he bringeth his suite.

Whereupon th^e Def^{ts} bill was p^{duced}

This bill bindeth me M^r Sam^{ll} Fendall of Charls County me my
heirs Exec^{trs} or As^{sgns} to pay or Cause to be pd to Daniell Johnson
him his heirs Exec^{trs} Adm^{trs} or As^{sgns} th^e full & just quantity of