

Liber N N W^m Calvert Esq & Tho: Keyton adm^{rs} of Bryan Daley. ag^t Richard Peacocke } Richard Peacock late of s^t Maries County merchant was attached to answer unto W^m Calvert Esq & Thomas Keyton adm^{rs} of the goods & Chattells of Bryan Daley deceased in a plea of trespas upon the case.

And whereupon the Said W^m & Thomas by Kenelm Cheseldyn their Attorney complaine that whereas the said Bryan in his life time to witt the twelfth day of April Anno Doñ 1675 intending a voyage for England had sould unto the said Richard Peacock a certaine quantity of tobacco to the value of fifty eight pounds eighteen shillings and eight pence and did then also by his certaine writeing Obligatory bind himselfe to pay the same by bill of exchange upon One M^r W^m Shaw of Yorke in the Kingdome of England upon penalty of One hundred & seventeene pounds seventeene shillings & eight pence In consideration whereof the said Richard did assume upon himselfe and to the Said Bryan did faithfully promise to transport the said Bryan into the Kingdome of England in the Shipp he was then merchant & went home in, & did promise to give the Said Bryan notice when the said Shipp was ready to Sayle & also Send boate & hands to fetch him the Said Bryan on board the Said Shipp that so he might receive the said monyes according to his said bills of exchange notwithstanding which the said Richard his promise & assumption not regarding but endeavouring and fraudulently intending Subtilly & craftily to deceive the said Bryan of receiveing the monyes aforesaid did not give any notice to the said Bryan of the tyme of the said Shippes Sayleing or ever Sent boate & hands to fetch him the Said Bryan On board the Said Shipp by meanes whereof the said Bryan in his life time as also the said W^m and Thomas to whom administration of the goods & Chattells which were the said Bryans at the time of his death Since his death hath been committed have lost receiveing the Said monyes aforesaid as also the great proffitts & gaines w^{ch} by lawfull buying Selling & bargaineing might have been raised by the Same had the said Richard faithfully performed his promise aforesaid whereupon the said W^m and Thomas Say they are dampnified forty thousand pounds of tobacco

And the said William and Thomas bring also here in Court the Letters of adm^{con} to them granted that it may appeare to the Court here that they are administrators of the said Bryand and of the said estate have administration

And the said Richard by Robert Carvile his Attorney cometh and defendeth the force and injury when &c and prayeth liberty to im-parle hereunto untill the next Court and it is granted unto him the same day is given to the said W^m and Thomas.

Now here at this day to witt the thirteenth day of April in the first year of the Dominion of Charles Lord Baltemore &c Came the