

Liber N N eight p^{ds} of tobacco In consideracon whereof he the said W^m Worgan in his life tyme did assume upon himselfe & to the said Tho: ffisher & Comp^a did faithfully promise that he the said W^m the said p. 502 sume of ffifteen thousand three hundred eighty eight pounds of tobacco to them the said Thomas & Comp^a when thereunto required would well & truely pay & satisfie And the said Thomas & Comp^a in fact say that the said W^m Worgan did according to his promise & assumpon aforesaid pay unto the said Tho: & Comp^a in part of satisfaction of the said sume of ffifteen thousand three hundred eighty eight pounds of tob^o the sume of five thousand nine hundred twenty five pounds of tobacco so that there remaineth due to the said Thomas & Comp^a the sume of nine thousand foure hundred sixty three pounds of tobacco as by an accompt hereunto annexed doth appeare Yet the said W^m his promise & assumpon aforesaid little regarding, but deviseing and fraudulently intending them the said Thomas & Comp^a of the said sume of nine thousand foure hundred sixty three pounds of tobacco craftily & subtly to defraud & deceive, the same to them the said Tho: & Comp^a the said W^m in his life tyme nor the said John since his death though often thereunto requested hath not hitherto paid or satisfied, but the same pay & satisfie doth still deny & refuse, to the damage of the said Tho: & Comp^a twenty thousand pounds of tobacco & thereupon they bring their suite

And the said John Brooke by Charles Boteler his Attorney cometh & defendeth the force & injury when &c & prayeth liberty to imparle hereunto untill next Court & itt is granted unto him, the same day is given to both parties.

Now here att this day to witt the tenth day of April in the third yeare of the Dominion of Charles Lord Baltemore &c Annoq³ Doni 1678. came the said parties by their Attorneys aforesaid And the said John Brooke by Charles Boteler his Attorney saith, that the said Thomas ffisher & Comp^a their accon aforesaid ag^t him ought not to have, for that the said W^m Worgan in his life tyme did not assume & promise in manner & forme as the plaintiffe above in his Declaracōn hath declared, & of this he putts himselfe upon the Countrey & the plaintiffe also Therefore comand is given to the Sheriffe of S^t Maryes County that he cause to come here twelve &c by whom &c who neither &c to recognize & because as well &c And the Jurors impannelled being called likewise came, to witt Richard Loyd, Edward Husbands, Robert Potts, Nicholas Cooper, Tho: Courtney, Richard Masham, John King, Joshua Guibert, John Askin, Stephen Gough, Gilbert Turbervile & Tho: Smith who to say the truth in the p^rmisses being elected tryed & sworne upon their Oaths doe say Wee finde for the plaintiffes seven thousand two hundred & eighty pounds of tobacco with costs of suite Therefore itt is considered by the Court here that the said Tho: ffisher & Comp^a recover ag^t the Estate of the said W^m Worgan as well the sume of seven thousand two hundred &