

Boteler his Attorney complaineth, that whereas the said James Rumsey upon the ffifteenth day of January in the yeare of our Lord in consideracōn that the said John Weare would pay & deliuer unto him the said James six hogsheads of tobacco & six barrells of Indian Corne, the said James Rumsey did assume upon himselfe & to the said John did faithfully promise, that he the said James when thereunto required would well & truely discharge the said John Weare from one bill for the sūm of fourteene hundred pounds of tobacco due unto him the said James from him the said John And also would pay unto one George Lingam Attorney of John & Thomas Dudlestone of Bristoll Merchants the sūne of twelve hundred pounds of tobacco, & take in one bill of the said John Weare for the same quantity payable to the said John & Thomas Dudlestone or their assignes And the said John Weare in fact saith, that trusting to the faithfull promise and assumpcōn of him the said James Rumsey made as aforesaid, did pay & deliver unto the said James Rumsey six hogsheads & tobacco & Six barrells of Indian Corne att the plantacōn of in County, which the said James Rumsey did accept & receive for the uses aforesaid Yett the said James Rumsey his promise, & assumpcōn not regarding but deviseing & fraudulently intending him the said Jn^o in that behalfe to deceive & defraud, the aforesaid bill for ffourteen hundred pounds of tobacco payable unto the said James, nor the said bill for Twelve hundred pounds of tobacco payable to John & Tho: Dudlestone he hath not delivered up nor discharged, but the same to deliver up or discharge hitherto hath denyed & as yet doth deny to the damage of the said John Whereupon the said John saith he is damnified & hath losse to the Value of fffe thousand pounds of tobacco & thereupon he bringeth his suite

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p. 702

And the said James Rumsey by Kenelm Cheseldyn his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provinciaall Court & itt is granted unto him, the same day is given to the plaintiffe also

Now here att this day to witt the Sixteenth day of Octob^r in the third yeare of the Dominion of Charles Lord Baltmore &c Annoq̄ Doni 1678 came the said parties by their Attorneys aforesaid And the said James by his said Attorney saith that he did not promise, & assume upon himselfe in manner & forme as the said John Weare hath above declared against him And of this he putts himselfe upon the Countrey Whereupon the said John Weare declared that he would make no farther prosecution against the said James Rumsey in the plea aforesaid Therefore itt is considered by the Court here that the said James Rumsey recover ag^t the said John Weare the sūne of pounds of tobacco for his costs & charges by him about his defence in this behalfe laid out & expended And the said John Weare in mercy for his false plaint &c