

260. 10. Nov<sup>br</sup>. 1690

Some of Emily M<sup>r</sup>. Nicholas: Plaintiff of this County Carpenter was summoned to answer unto Peter Whaples of the same County Crownder, in an action upon the Case and whereupon the plt by James: Douglas his attorney Com<sup>d</sup> and says, that whereas Joseph Freeman late of this County Carpenter was indebted unto the plt in the full and just sum of six thousand pounds of good sound merchantable bright tobacco in Cash, payable upon demand, and for the more payment of the same, the plt did implead the said Joseph: Freeman to this County Court, whereupon the said Nicholas: Plaintiff in consideration that the plt would desist from prosecuting of the said Freeman and with draw the suit, did take upon him to satisfy the said debt due to the plt from Joseph Freeman, and did feitz fully assume and promise to see the same satisfied, either by him selfe or others forthwith, whereupon the sd plt did bespeak freight for the same. Yet notwithstanding the said Plaintiff had in performance of this assumption ordered the plt three thousand and fourty five pounds of tobacco in the hands of Cap<sup>t</sup>. Henry: Suite of this County Court and delivered the said Suite's Bill into the plt's hands in part of pay, did fraudulently & craftily Countermand the said order and deliver the plt of the above sd sum of six thousand pounds of tobacco, whereof the plt says he is damaged and hath losse to the value of two thousand pounds of tobacco in Cash and thereupon brings this suit

James: Douglas }  
 Attorney for the }  
 Plaintiff }  
 { King: Co. }

The Defendant by Peter Court his attorney saith that he did not assume in manner & form as is alleged, and that he prays it may be required of by the County:

Peter Court  
 Attorney for the  
 Defendant

This Bill Com<sup>d</sup> of me Henry Suite of Somers<sup>et</sup> County in the Province of Maryland my Heir, Executors and Administrators to pay or cause to be paid unto Nicholas: Plaintiff of the same County his Heir's Executors Administrators or Assignes the full and just sum of three thousand and fourty five pounds of tobacco sound merchantable bright tobacco and Cash Com<sup>d</sup> at the aforesaid County at or upon the 10<sup>th</sup> day of November ensuing the date hereof, as witness my hand and seal this 22<sup>th</sup> day of May 1689

Wm. Allen

Henry: Suite Seal

The Deposition of John: Moore aged fifty eight years or thereabouts, formerly being at the house of Mary Freeman sometime of November last past, hearing of Nicholas: Plaintiff and Peter Whaples having some words touching the tobacco that Joseph: Freeman was indebted to the said Whaples, the said Nicholas: Plaintiff says you are paid already three thousand and odd by way of Cap<sup>t</sup>. Suite, and the remainder I will see you satisfied, whether Joseph Freeman lieth or dyed and further the deponent saith not

John: Moore  
 mark<sup>d</sup>