

March 10<sup>th</sup> 1690

By taking him to be so before a Magistrate & witness is sufficient discharge for any servant that comes in the  
 Indenture. Nam in modo solvitur obligatio quam ligatur. Here being fresh provisions for it upon record viz m<sup>r</sup>  
 Francis Goumies had a Commission for this County did declare by word Symonley. Marbury his servant and before  
 the expiration of his time free and before the Court would well withdraw his hand from the Record he came himself to y<sup>e</sup>  
 said m<sup>r</sup> Francis. Goumies for above ten years, and if a servant before the expiration of his transported time, was not  
 another servant a month after his freedom by the same Quors. And lastly the J<sup>st</sup> says that he is still was free by  
 the Customs of the Country at the end of five years which was upon the 23 day of Jan<sup>y</sup> last past, his contract and tie  
 having being only by word his discharge may and in Law is good by word whereof there is positive Evidence, and the said  
 J<sup>st</sup> bound to perform his Obligation (probat and acknowlege) the 24<sup>th</sup> of Feb<sup>y</sup> following which was a full month for  
 Consideration otherwise the precedent will be of so dangerous a consequence, that all servants and apprentices may plead  
 non est factum, to the great damage of Masters & Trade-men and also to the Common wealth. So the word of witness and  
 encouragement of Manufactures the Law hath a special care, neither will any other word, Indenture sealed and never  
 so solemnly declared and acknowledged be of any force to bind the Obligor to his performance. And the J<sup>st</sup> pleads  
 in Barre of the judgment, the verdict of the Jury being contrary to positive Evidence

James Langley J<sup>st</sup>

Side Letter.

To the wor<sup>th</sup> C<sup>ll</sup> David Browne, and the rest of the wor<sup>th</sup> the C<sup>ll</sup> of Somerset County in Court sitting the 10<sup>th</sup> day of  
 Paulson  
 May it please your worshippes, Sometime in February last past I suppose at or upon y<sup>e</sup> 24<sup>th</sup> day (and John  
 Starrett write a Ladd or yout<sup>h</sup> to my house the yout<sup>h</sup>s name (as near as I can remember was Robert: Stitt)  
 and after they had been in my house some small time, John: Starrett spoke to me these words following as near  
 as I can well remember. viz) Sr I have here brought a Ladd before you, and do declare that he hath served  
 me justly & truly the time according to the Custom of the Country (or to that effect) and do here before you  
 discharge him from all service whatsoever upon account of his transportation; (as near as I can remember, there  
 was also at that time Richard: Mathew and Francis M<sup>r</sup> and prout) upon these words I called the Ladd and asked  
 him if he had notice of what his Master said, he answered me y<sup>e</sup> and bowed himself overrully (I took it) in the  
 way of thankfulness to his late Master. Some small time after John: Starrett produced an Indenture was drawn  
 & sealed thus or to this effect. Sr the Ladd is willing to bind himself to me again to serve according to the know<sup>l</sup> of this  
 Indenture, at which I was somewhat surprized and called the Ladd and said thus to him, Sweet heart y<sup>e</sup> binding of  
 apprentices is and ought to be a tender thing, thou hast heard thy late Master declare that he be a freeman before me  
 and these other peop<sup>l</sup> present. If thou art not willing to serve thy old Master again, speak & declare it here be afraid  
 of no man, thou art in the place of Justice and shall have Justice, thy Master hath declared that he be a freeman &  
 thou art a freeman, and if at any time thy Master should deny the same tell me, and I will appear as an Evidence  
 against him. upon this he bid him rounde, and rose up and lighted a pipe of tobacco and smaked it out after he came  
 in part if his Master or no other had deceived him by fair words or promises to make him give his consent, he said  
 no. God manded his reason for binding him selfe again, he said, as if he had to be a Ladd of a Copse. And  
 it was that his Master had been a good Master to him, and therefore he had rather serve him than any one else immediately  
 signed the Indenture to which I before your worps. this is the know<sup>l</sup> of what I formerly declared upon Oath in Open  
 Court, and do now again affirm the same to be certain truth in the presence of the great God of Heaven & Earth, in witness  
 whereof I have here unto sett my hand and seal the 15<sup>th</sup> of August 1690

Edmund Howard