

as by a pertickeler Account thereof here in Court produced Relation being thereunto had may more at large Appeare and the Said William to the Said Edward and Dudley in manner aforesaid being Indebted Inconsideration thereof the Said William did Assume upon himselfe and to the Said Edward and Dudley then and there faithfully promise that he the Said William them the Said Edward and Dudley the Said Summe of 429 lbs. of tobaccoe when he Should be thereunto Requested would well and truly Content and pay Nevertheless the Said William his promise and Assumption Soe as aforesaid made not at all Regarding but minding and Fraudulently Intending them the Said Edward and Dudley in this behalfe Craftily and Subtily to Deceive and defraud the Said Summe of 429 lbs. of tobaccoe aforesaid or any part thereof to the Said Edward and Dudley hath not paid Although the Said William to doe the Same by the Said Edward and Dudley Afterwards the Day and place aforesaid was often thereunto Requested but the Same to pay hath Denied and Still doth denye to the Damage of the Said Edward and Dudley of 1000 lbs. of tobaccoe and thereupon they bring their Suite etc.

Cleborn Lomax: Pledges etc. John Doe, Richard Roe.

William Barton Debtor to Messrs. Carletons Aprill the 10th 1694.

lbs. tobaccoe

To the ballance of Accounts then made up ..... 429

Mr. Robert Bradley in open Court made oath that the above Account was Just and true and that he never Received any part or parcell thereof.

And the Said William Barton by William Stone his Attorney Cometh and Defendeth the force and Injury when etc. And Craveth Lycence thereof to Imparle here untill the next Court and it is granted unto him the Same day is given to the plantiffe Likewise.

Att which Said next Court (to witt) the 26th day of January Annoque Domini 1696 [1697] Came the aforesaid partyes by their Attorneys aforesaid the Said Edward and Dudley Carleton prayeth that the Said William Barton to their Declaration aforesaid may Answer etc.

And now here at this Day Came the Said William Barton by William Stone his Attorney and Defendeth the force and Injury when etc. and Saith that he is not informed by the Said William Barton his Clyant of any Answer for him in the plea aforesaid to be given and nothing more thereof Saith by which the Said Edward and Dudley Carleton Remaineth against the Said William Barton thereof undefended etc.

[133] Therefore it is Considered that the Said Edward and Dudley Carleton Recover against the Said William Barton as well the Summe of four hundred twenty nine pounds of tobaccoe their debt for Damages as aforesaid as alsoe the Summe of three hundred forty pounds of tobaccoe to the Said Edward and Dudley Carleton at their Request for their Cost and Charges in this behalfe Sustained and by the Court here Adjudged etc. And the Said William Barton in mercy etc.

William Harbert plantiffe: Charles Tracey Defendant.

Prince Georges County Ss: Charles Tracey late of Prince Georges County Inholder was Atteched to Answer unto William Herbert of a plea of trespass upon the Case etc.

And whereupon the Said William by William Stone his Attorney Complayneth that whereas the Said Charles the 26th Day of Aprill in the yeare of our Lord 1694 at Charles Towne within the Jurisdiction of the Court for a vallewable Consideration before that time by the Said William paid and Delivered to the