

Said Thomas Withington as well his Damages in the premises to Eleven hundred pounds of tobaccoe by the Jurors aforesaid in forme aforesaid Assessed as alsoe Six hundred Sixty Eight pounds of tobaccoe to the Said James Keech at his Request for his Costs and Charges in this behalfe Sustained by the Court here Adjudged etc. And the Said Thomas Withington in mercy etc.

Then did the Court Adjourne for one hower.

Present. Mr. Thomas Hollyday, Mr. William Barton, Mr. John Wighte, Mr. Robert Tylor, Mr. John Hawkins, Mr. Robert Wade, Mr. Thomas Sprigg, Commisioners.

John Underwood plantiffe: John Worster Defendant.

Prince Georges County Ss. John Worster late of Prince Georges County Marchant was Attached to Answer unto John Underwood of a plea of trespass upon the Case etc.

And whereupon the Said John Underwood by William Stone his Attorney Complayneth that upon the 26th day of January in the yeare of our Lord 1696 [1697] at Charles Towne within the [172] Jurisdiction of this Court Inconsideration that the Said John Underwood at the Spetiall Instance and Request of the Said John Worster would forbare and procecute no further a Certaine Action that he the Said John Underwood had brought and at that time depending in Prince Georges County Court against one Steven Ashby for Eight hundred Sixty four pounds of tobaccoe due from the Said Steven unto the Said John Underwood by bond and Enter or Cause to be Entred the Said Action Agreed in the Said Court aforesaid and alsoe that he the Said John Underwood would pay all the Cost and Charges that he the Said John Underwood had Expended in procecuteing the Said Action he the Said John Worster (to witt) the day yeare and place aforesaid did Assume upon himselfe and to the Said John Underwood then and there faithfully promise that he the Said John Worster the Sume of three pounds Sterling mony of England unto the Said John Underwood when he Should be by the Said John Underwood Afterwards thereunto Requested would well and truly Content and pay and the Said John Underwood in fact Saith that he the Said John Underwood did the day yeare and place aforesaid forbare any further procecution of the Said Action that he the Said John Underwood had brought against the Said Steven Ashby for 864 lbs. of tobaccoe then due by bond as aforesaid and then depending in Prince Georges County Court as aforesaid and did Cause the Said Action to be Entred agreed and alsoe is Ready when Requested to pay all the Cost and Charges that he the Said John Underwood had been at and Expended in procecuteing the Said Action aforesaid Nevertheless the Said John Worster his promise and Assumption aforesaid little Regarding but minding and fraudulently intending him the Said John Underwood of the Said three pounds Sterling mony of England Craftily and Subtilly to deceive and Defraud he the Said John Worster the Said three pounds Sterling mony of England or any part thereof According to his promise and Assumption aforesaid to the Said John Underwood hath not paid nor any Sattisfaction for the Same made Although the Said John Worster to doe the Same by the Said John Underwood Afterwards (to witt) the 27th day of January in the yeare of our Lord 1696 [1697] at Charles Towne aforesaid and at Severall other dayes and times was often thereunto Requested but the