

goods and Chattles of Marke Catterton Deceased of a plea of trespass upon the Case etc.

And whereupon the Said James by William Stone his Attorney Complayneth that whereas the Said William in the life time of him the Said Marke that is to Say the 2d day of March in the yeare of our Lord 1693: at Calvert County that is to Say Att Charles Towne within the Jurisdiction of this Court was Indebted unto the Said Marke in the Sume of nine hundred pounds of tobaccoe being Soe much tobaccoe due to the Said Marke from the Said William for one horse by the Said Marke the day and place aforesaid Sold and delivered to the Said William And the Said William in Manner aforesaid being indebted Inconsideration thereof did Assume upon himselfe and to the Said Marke then and there faithfully promise that he the Said William him the Said Marke for the Said horse aforesaid the Said Sume of 900 lbs. of tobaccoe to the Said Marke when he Should be thereunto Requested would well and truly Content and pay Nevertheless the Said William his promise and [244] Assumption aforesaid not at all Regarding but mindeing and Fraudulently intending him the Said Marke in his Life time Craftily and Subtily to deceive and defraud the Said Sume of 900 lbs. of tobaccoe to the Said Marke in his Life time did not pay nor to the Said James Since the death of the Said Marke to whome all and Singular the goods and Chattles of the Said Marke Since his decease hath been Legally Comitted Although the Said William to doe the Same by the Said Marke in his Life time the day and place aforesaid and alsoe by the Said James Since the death of the Said Marke the 10th day of July 1696 at Charles Towne within the Jurisdiction of this Court was often thereunto Requested but the Same to pay hath Denied and Still doth denye in Retardation of the Administration aforesaid to the damage of the Said James of 1800 lbs. of tobaccoe and thereof he bringeth this Suite.

Pledges etc. John Doe, Richard Roe. William Stone.

And the Said James Brings into Court the Letters Administration aforesaid that it may the more plainer Appaere etc.

And the Said William Jones by John Meriton his Attorney Cometh and defendeth the force and Injury when etc. And prayeth Leave thereof to Imparle here untill the next Court and It is granted unto him the Same day is given to the plantiffe Likewise.

And now here at this day (to witt) the 28th day of September Annoque Domini 1697 Came here as well the Said James Catterton as the Said William Jones by their Attorneys aforesaid And the Said James Catterton prayeth that the Said William Jones to his declaration aforesaid may Answer etc. Whereupon the Said William Jones by John Meriton his Attorney Comes and Defends the force and Injury when etc. And Saith that the plantiffe his Action aforesaid against him ought not to have because he Saith that by an Act of Assembly of this province Entituled (An Act of Limitation of Certaine Actions for avoyding Suits of Law) the Said plantiffe is barred of his Action aforesaid etc. And thereupon Demands Judgment if the Said plantiffe his Action aforesaid against him ought to have etc. John Meriton.

And the Said James Catterten by William Stone his Attorney Saith that he ought not to be debarred from haveing his Action aforesaid by anything in the defendants plea aforesaid pleaded And of this he prayes may be Inquired into by the Court. William Stone. And the Defendant alsoe. John Meriton.

The truth of the matter in Controvesie between the parties aforesaid by the Court here being fully head understood and Maturely deliberated etc. It is