

Request for his Costs and Charges in this behalfe Sustained According to the forme of the Stattute etc. by the Court here Adjudged etc.

William Howard plantiffe: Ninian Beall Defendant

Prince Georges County Ss. Ninian Beall Late of Prince Georges County Gentleman was Attached to Answer unto William Howard of a plea of trespass upon the Case etc.

And whereupon the Said William by William Stone his Attorney Complaineth that whereas the Said Ninian on or about the 23d day of August in the yeare of our Lord 1694 att Charles Towne within the Jurisdiction of this Court was Indebted unto the Said William in the Sume of three hundred ninty and two pounds of tobaccoe being Soe much tobaccoe Received of one Thomas Arnalld by the order and for the use of the Said William And the Said Ninian being Soe Indebted as aforesaid Inconsideration thereof did Assume upon himselfe and to the Said William then and there Faithfully promise that he the Said Ninian the Said Sume of 392 lbs. of tobaccoe to the Said William when he Should be thereunto Requested would well and truly Content and pay Nevertheless the Said Ninian his promise and Assumption aforesaid not at all Regarding but minding and fraudulently Intending him the Said William in this behalfe Craftily and Subtily to deceive and defraud the Said Sume of 392 lbs. of tobaccoe to the Said William hath not paid Although the Said Ninian afterwards the day and place aforesaid to doe the Same by the Said William was often thereunto Requested but hath hitherto Refused and Still doth Refuse to the Dammage of the Said William of of 600 lbs. of tobaccoe and thereof he bringeth his Suite etc.

William Stone Pledges etc. John Doe, Richard Roe.

And the Said Ninian Beall by John Meriton his Attorney Cometh and defendeth the Force and Injury when etc. And prayeth Lycence 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 25th day of January Annoque Domini 1697 [1698] Came as well the Said William Howard as the Said Ninian Beall by their Attornys aforesaid and the Said William Howard prayeth that the Said Ninian Beall to his Decleration aforesaid may Answer etc. Whereupon the Said Ninian Beall by John Meriton his Attorney Cometh and defendeth the force and Injury when etc. and Saith nothing in barr of the Action of the Said William Howard by which the Said William Howard Remaineth against the Said Ninian Beall thereof without Defence etc. Therefore it is Considered that the Said William Howard Recover against the Said Ninian Beall as well the Sume of three hundred ninty two lbs. of tobaccoe for his Damages in the premises which he hath Sustained by Occation of the Non-performance of the promise and Assumption of the Said Ninian Beall to the Said William Howard Lately made as alsoe the Sume of two hundred and twenty lbs. of tobaccoe for his Costs and Charges in this behalfe Sustained to the Said William Howard of his Assent by the Court here Adjudged And the Said Ninian Beall in mercy etc.

[286] John Allten plantiffe: Robert Percy Defendant

John Allten by William Stone his Attorney brought his Majesties writt against Robert Pearce in a plea of Debt due by bill for the Sume of Eight hundred pounds of good Sound Merchantable tobaccoe in Caské which to him he oweth