

To those 2 actions the Defendants by William Stone their Attorney appears and imparles till next Court: Carleton Merchants against Robert Robertson – trespass on the Case; Carleton Merchants against John Mills – trespass on the Case.

To these 7 actions the Defendants by Joshua Cecell appears and imparles as above: Roger Brooke against Willsons Executors – Debt; Hide and Company against Thomas Vaughun – trespass on the Case; John Smith against Thomas Vaughun – trespass on the Case; Simon Nicholls against Willsons Executors – trespass on the Case; Hannah Hine against Joseph Harrison – trespass on the Case; William Round against Willsons Executors – Debt; William Round and Company against Ditto – Debt.

John Fry Plantiffe: Samuell Warren Defendant

The plantife by William Stone his Attorney Sues the Defendant in a plea of trespass upon the Case.

And whereupon the Said John by William Stone his attorney complaineth that whereas the Said Samuell the Seventeenth day of December in the year of our Lord 1697 att Charles Towne within the Jurisdiction of this Court was indebted unto the Said John in the Sume of three Hundred ninety and nine pounds of Tobacco as by a noat under the hand of the Said Samuell Subscribed with the propper marke of the Said Samuell here ready in Court to be produced more att Large may appear and the Said Samuell to the Said John in manner aforesaid being indebted in Consideration therof did assume upon himselfe and to the Said John then and there faithfully Promise that he the Said Samuell the Said Sume of 399 pounds of Tobacco to the Said John When he Should be thereunto requested would well and truly content and pay Nevertheless the Said Samuell his promise and assumption aforesaid not att all regarding but minding and fraudulently intending him the Said John in this behalfe Craftily and Subtily to deceive and defraud the Said Sume of 399 lbs. of Tobacco to the Said John hath not paid although the Said Samuell to doe the Same by the Said John afterwards the day and place aforesaid and att severall other Dayes and times was often thereunto requested but hath hitherto refused and Still doth refuse to the Damage of the Said John of 600 lbs. of Tobacco and thereof he brings this Suite etc.

William Stone      John Doe, Richard Roe, pledges.

Not assumed in manner and forme upon the Court.      Joshua Cecell.

And the Plaintiff allso.      William Stone.

[345] And the Said Samuell Warren by Joshua Cecell his attorney comes and Defendeth the force and Injury when etc. and Saith that the Said Debt was not assum'd in manner and forme and this he is ready to verifie in any manner as the Court here Shall Consider and the Said plantiffe Likewise Whereupon as well the Said John Fry as the Said Samuell Warren by and at their Consent and request are admitted here to produce their Witnesses respectively for information of the Court in the premises according to the Custome of this Court here used and approved and now here at this day to Witt the 27th of September the Wittnesses on Each part respectively being produced heard and examined and the truth of the matter in Controversie between the parties aforesaid by the Court here being heard understood and Maturely deliberated it is thereupon Considered that he and his pledges of prosecuting be in mercy etc. Lett the names of the Pledges be sought and the Said Samuell Warren goe thereof with-