

Goods Chattles and Creditts of Thomas Barker Deceased of a plea of tresspass upon the Case etc.

And whereupon the Said Jacob administrator as aforesaid by William Stone his Attorney Compleineth that whereas the Said Charles Treacy in his Life time that is to Say the 9th day of December in the year of our Lord 1697 att Charles Towne within the Jurisdiction of this Court was indebted unto the Said Thomas Barker in his Life time in the Sume of three thousand Sixty and three pounds of Tobacco as by a Certaine noate under the hand of the Said Charles Treacy Subscribed with the propper hand wrighting of the Said Charles Treacy here ready in Court to be produced more att Large may appear, and the Said Charles Treacy in his and the Said Charles Treacy in his Life time to the Said Thomas Barker in his Life time being Soe indebted as aforesaid inconsideration thereof did assume upon himselfe and to the Said Thomas Barker in his Life time then and there Faithfully promise that he the Said Charles Treacy the Said Sume of three Thousand Sixty and three pounds of Tobacco to the Said Thomas Barker when he Should be thereunto requested would well and truly content and pay Nevertheless the Said Charles Treacy in his Life time nor the Said David Small Since the Death of the Said Charles Treacy to whom administration of all and Singular the Goods Chattles and Creditts of the Said Charles Treacy after his Death ware in due forme of Law Committed his promise and assumption aforesaid not att all regarding but mindeing and fraudulently intending him the Said Thomas Barker in his Life time and the Said Jacob Since the Death of the Said Thomas Barker to whom administration of all and Singular the Goods Chattles and Creditts of the Said Thomas Barker after his Death ware in Due forme of Law Committed in this behalfe Craftily and Subtily to deceive and defraud the Said Sume of three Thousand Sixty three pounds of Tobacco to the Said Thomas Barker in his Life time or to the Said Jacob Mooreland administrator as aforesaid Since his Death hath not Paid although the Said Charles Treacy in his Life time afterwards the Day and place aforesaid to doe the Same by the Said Thomas Barker in his Life time and the Said David administrator as aforesaid Since the Death of the Said Charles that is to Say the 16th day of December 1698 to doe the Same by the Said Jacob Since the Death of the Said Thomas Barker hath been often thereunto requested but hath hitherto refused and the Said David doth Still refuse to the Damage of the Said Jacob of 4000 lbs. of Tobacco and thereof he bringeth his Suite etc.

William Stone. John Doe, Richard Roe. pledges.

And the Said Jacob bringeth here into Court the Letters of administration of the Esteate of the Said Thomas Barker by whom etc.

And the Said David Small administrator of the Said Charles Treacy by Joshua Cecell his attorney cometh and defendeth the force and Injury when etc. and prayeth Lycence to imparle here untill the next Court comeing and it is Granted unto him the Same time is given the Plantife Likewise.

Att which day (to witt) the 26th day of September annoque Domini 1699 here came as well the Said Jacob Mooreland plantiffe as the Said David Small Defendant by their Attorneys aforesaid and the Said Jacob Mooreland by William Stone his Attorney prays that the Said David Small to his Declaration aforesaid may answer.

And the Said David Small by Joshua Cecell his attorney cometh and defendeth the Force and Injury when etc. and Saith that he the Said Jacob Mooreland his Action aforesaid against him ought not to have because he Saith that he hath Fully administred all the goods and Chattles which ware of the Said Charles