

Complayneth that whereas the Said John Smith the 15th day of August in the yeare of our Lord 1694 Att Calvert County that is to Say at Charles Towne within the Jurisdiction of this Court Stood Indebted unto the Said Thomas in the Sume of Six hundred and fifty pounds of tobaccoe being for one months hireling wages two barrells of Corne and a pair of Shews as by a pertickeler Account thereof hereunto Annexed Relation being thereunto had doth more at Large Appeare and the Said John to the Said Thomas in manner aforesaid being Indebted Inconsideration thereof the Said John did Assume upon himselfe and to the Said Thomas then and there faithfully promise that he the Said John him the Said Thomas the Said Sume of 650 lbs. of tobaccoe when he Should be thereunto Required would well and truly Content and pay Nevertheless the Said John his promise and Assumption aforesaid made little Regarding but minding and fraudulently Intending him the Said Thomas in this behalfe Craftily and Subtily to deceive and defraud he the Said John him the Said Thomas the Said Sume of 650 lbs. of tobaccoe hath not paid Although to doe the Same by him the Said Thomas Afterwards the day and place aforesaid was often thereunto Requested but the Same to pay hath denyed and Still doth denye to the damage of the Said Thomas of 1200 lbs. of tobaccoe and thereupon hee brings this Suite etc.

Joshua Cecell. Pledges etc. John Doe, Richard Roe.
John Smith Debtor to Thomas Palmer August the 15th 1694.

	lbs. tobaccoe
To 1 month hirling wages 400, to 2 barrells of Freedome Corne 200, to 1 pair freedom Shews 50	650

June the 12th 1696: Then Came Thomas Palmer before us and made oath that the above Account is true and Just and that he hath Received noe part nor parcell thereof. William Barton, John Wighte.

And the Said John Smith by Thomas Hughes his Attorney Cometh and Defendeth the force and Injury when etc. and prayeth Lycence thereof to Imparle here untill next Court and it is granted unto him the Same day is given to the plantiffe Likewise. Att which Said next Court (to witt) the 24th day of November Annoque Domini 1696: Came here the Said Thomas Palmer by William Bladen his Attorney as alsoe the Said John Smith by his Attorney aforesaid and the Said Thomas Palmer prayeth that the Said John Smith to his declaration aforesaid may Answer etc. And the Said John Smith by his Attorney aforesaid Cometh and defendeth the force and Injury when etc. And Saith that the Said John Smith did not Assume in manner and forme as the plantiffe in his declaration aforesaid hath declared and of this hee putts himselfe upon the Court.

Thomas Hughes And the plantiffe Likewise. William Bladen.

Whereupon the truth of the matter in Controversie between the parties aforesaid by the Court here being heard understood and maturely deliberated and the wittneses thereon on Each part being Sworne Examined and heard. It is Considered that the Said Thomas Palmer doe Recover against the Said John Smith his damages aforesaid by ocation of not performing his promise and Assumption aforesaid to Six hundred and fifty pounds of tobaccoe as alsoe the Sume of four hundred fifty four pounds of tobaccoe to the Said Thomas Palmer att his Request for his Costs and Charges in this behalfe Expended etc. And by the Court here Adjudged etc. And the Said John Smith in mercy etc.

[81] Thomas Taney Executor of Michael Taney plantiffe: Nathan Veetch Administrator of James Veetch Defendant.