August Court 1704

his action aforesaid Law as aforesaid brought Not but that he is Justly Indebted to the said pltff in the Sum aforesaid and is therefore willing that Judg be Entered against him for the Same & Cost of Suit

It is therefore Considered here by the Court this 22th Daij of aug^t aforesaid that the said Daniel Dearie pltff recover against the said Thomas Lambert Deftt as well the Sum of twelve hundred pounds of tobo the Debt aforesaid and the Sum of two hundred seventy & three pounds of tobo Cost of Suit & the Deftt in mercij etc

James Heath aug^t
Edward Jeffrys

Comand was Given to the Shert of Kent County the 28th of March 1704 to take the said Jeffrys if to be found in his Bailiwick and him safe Keep that he may have his Body before the Justices (Imediately) here, to answer unto James Heath in a plea of trespass upon the Case, and the said Shert makes an Imediate return of the Writt Endorsed as followeth viz Capi Corpus & non est Inventus Shert Whereupon the said Deftt appears and by Mr Philipson his atty pray leave to Imparles untill next Court att which the next Court to wich the 24th Daij of June anno Dni 1704 this Cause was Continued untill next Court att which the next Court to wich this 22 Daij of aug^t 1704 Comes as well the said Deftt by his atty aforesaid as the said pltff by Michael Earle his atty who Declares as followeth vizt

Kent County in Maryland

Edward Jeffrys of the said County Carpenter stands attached to answer unto James Heath of the said Province Merchant of a plea of trespass upon the Case

And whereupon the said James by Michael Earle his atty Complaines & Saith that Whereas on the 19th Daij of June 1702 at St Marij's County in said Province in the Jurisdiction of this Court at the special Instance & request of the said Edward he the said James Delivered unto him the said Edward Divers goods Wares and Merchandizes amounting in the whole to the Sum of twelve hundred & seventy lbs of tobacco as by an act to this Deft annexed and here in Court brought may appear, In Consideration thereof the said Edward upon himselfe assumed and unto the said James faithfully promised that he the said Edward the said Sum of 1270 of tobo unto the said James he would well and truely pay when thereunto afterwards required yett Nevertheless the said Edward his said promise and assumption before made not minding nor regarding but Shifting & fraudulently Contriveing him the said James in this behalfe to Deceive & Defraud the said Sum of 1270 of tobo unto the said James he hath not paid although often Demanded but the same to pay he hath Denied & refused & still doth Deny & refuse and unjustly Detaine to the Damage of the said James 2400 of tobo & thereupon he brings this Suit Earle for pltff

Jn Doe
Richard Roe