June Co: 25th 1708

AND the Said John King by John Wellinger his Atty comes & defends the force & injury &c and prays Judgment of the Originall Writ of Pltiff the Said Daniel because he saith that he the Said John King is named therein John King of Kent County Planter wch is not his proper Addition, he never being Called or known by ye name or over followed the Art Trade or profession of a planter Whereupon he prays Judgment and that the Said Writt of Pltiff the Said Daniel may be abated &c

Wellinger p Deft

Which plea aforesd being Read it is by the Ct here over Ruled and it is Likewise ordered that the Jurors Come to Tryall now at this Ct vizt this Twenty fifth day of June in the year aforesd Likewise came the Said Pltff by Christopher Shelby Gent his attorney and the Said Deft by his aforesd Attorney and the Said Pltff by his Said Attorney declare vizt

Kent County } John King of Kent County aforesd Planter was attached to Answer
in Mary Land } unto Daniel Scarce of Said County Cake Dealder of a plea of Trespass upon the Case

AND Whereupon the Said Daniel by Chris: Shelby his Atty Complains for that Whereas the aforesd Danl by Lawfull Ingrese viz in the years of our Lord 1706 and 1707 att Chester Ferry in Kent County aforesd within the Jurisdiction of this Court Keept an Ordinary or Inn &c and in Consideration that the aforesd John att his own Spec Instance & request borrowed Cake of Said Daniel & in that time and att the place aforesd Had & Recd diverse Ordinary Accomodations both for himselfe & for a certaine Canebus Negro for whome he att the like Spec Instance & request required & had Credit in ye a mounting to the Summe of 651 lb of Tobacco as by a Particular Acct thereof hereto Annexed and therein Ct Dt brought may more Certainly appear Did upon himselfe & Summe & promise the Said Daniel then & there Faithfully promise that he the Said John both for himselfe and the Said Negro the aforesd Summe of 651 lb of Tobacco when thereunto required would well & truly pay and Content Nevertheless the aforesd John his promise & assumption aforesd in form aforesd made not regard-ing but Contriving & fraudulently Intending the Said Daniel in that behalfe Craftily & Subtilly to deceive and defraud ye aforesd Summe of 651 lb of Tobacco unto the Said Daniel he hath not paid altho upon the 26th day of March Anno Domi 1708 att Kent County aforesd within the Jurisdiction of this Court & often Time by the Said Daniel he hath been required but the Summe to him to pay hath denyed and Still doth denye & gainsay Whereupon he Sayth he is worse & damage hath to the value of Fifteen hundred pounds of Tobacco & of this he brings Suite &c

Philipson