

Goods which were of Thomas Scantlebury of Falbot County Surgeon deceased who died intestate as
 his last of a plea of respit upon the case and whereupon the ass. by Thomas Boone his Attorney complains
 that whereas the ass. Thomas Scantlebury in his life time and the ass. Thomas Fattenpenny the sixteenth day of
 June in the year of our Lord Christ one thousand seven hundred and seven at St. Pauls parish in Kent County
 within the Jurisdiction of this Court had accounted together of and concerning divers Sums of Tobacco to the ass.
 Thomas Scantlebury in his lifetime before that time for the ass. Thomas Fattenpenny being and unpaid and
 upon that accounting the ass. Thomas Fattenpenny was found to be in arrears to the said Thomas Scantlebury
 in the sum of one thousand pounds of merchantable Tobacco in consideration whereof the said Thomas Fatten-
 penny then and there upon himself assumed and to the ass. Thomas Scantlebury then and there in his life-
 time faithfully promised that he the said Thomas Fattenpenny the ass. sum of one thousand pounds of
 merchantable Tobacco to the ass. Thomas Scantlebury when he should require would well and truly pay
 and Content. And that whereas also the ass. Thomas Fattenpenny afterwards on the tenth day of
 April in the year of our Lord Christ one thousand seven hundred and seven at the parish County
 and Jurisdiction of was indicted unto the ass. Thomas Scantlebury in his lifetime in the sum of five
 hundred pounds of merchantable Tobacco for forcing the ass. Thomas Fattenpenny then and there of a
 certain grievous Disease called the Gales and there being indebted the ass. Thomas Fattenpenny
 in consideration thereof afterwards on the day and year last mentioned at the parish County and
 Jurisdiction last mentioned upon him of a Sum of and to the said Thomas Scantlebury then and there
 last mentioned faithfully promised that he the said Thomas Fattenpenny the ass. sum of five hundred
 pounds of merchantable Tobacco to the ass. Thomas Scantlebury when he should require would
 well and truly pay and Content never the less the ass. Thomas Fattenpenny his severall pro-
 mises and assumptions as in form aforesaid made as to the ass. several Sums of Tobacco amounting
 in the whole to the sum of fifteen hundred pounds of merchantable Tobacco little regarding
 culpability and fraudulently inducing the said Thomas Scantlebury in his lifetime and the ass.
 after the death of the ass. Thomas Scantlebury to whom Letters of Administration of all and
 Singular the Goods and Chables Rights and Credits which were of the said Thomas Scantlebury at
 the time of his death by Foster Turbutt Deputy Comptroller of Falbot County

in law full manner were committed hastily to receive and defraud the said fifteen hundred pounds
 of merchantable Tobacco to the ass. Thomas Scantlebury in his life time or to the ass. or either
 of them hath not paid altho to pay the same the said Thomas Fattenpenny by the ass. Thomas
 Scantlebury in his lifetime vizt. on the tenth day of June in the year of our Lord Christ one thous-
 seven hundred and seven and by the ass. after the death of the ass. Thomas Scantlebury on the
 Twentieth day of May in the year of our Lord Christ one thousand seven hundred and Eighteen at
 the parish County and Jurisdiction was thereunto required but that to the said Thomas Scantlebury
 in his lifetime or to the said ass. after the death of the said Thomas Scantlebury for to either of them
 to pay or Content the ass. Thomas Fattenpenny neither to hath done and to the ass. each and
 every of them to pay or Content till death day to the damage of y^e ass. two thousand pounds
 of the Tobacco aforesaid in delay of the ass. and thereupon he brings suit and brings hereto
 Court the ass. Boone which testify &c. *Boone v. Fattenpenny*

And the ass. Boone in his proper person comes and defends the force and injury when &c. And says
 that he cannot gain say the ass. his action as to as a part brought nor can he say but that the said
 ass. ought to recover his damage by occasion of the promise aforesaid of fifteen hundred pounds
 of Tobacco and cost of suit against him which the said ass. doth not gain say. Therefore
 it is Considered by the Justices here this Twenty first day of November Anno Domini One thousand
 seven hundred and Eighteen that the ass. Peter Lardwood and Norton. Matchell adm^r
 of the ass. Thomas Scantlebury recover against the ass. Thomas Fattenpenny as well the ass. sum
 of fifteen hundred pounds of Tobacco their damages as in form aforesaid as also the sum
 of two hundred & seventy nine pounds of Tobacco by the Court here adjudged to them for their
 Costs and Charges by them about their suit in this behalf laid out and Expended and the ass.
 in mercy &c.

John Smith Clerk