

June Court --- 1724 --- 198

Francis Allen his attorney Complaines that whereas the said Aaron the third day of December One thousand seven hundred and twenty three at the parish of St. Andrew within the Jurisdiction of this Court was indebted unto the said Mary in Eighteen bushells and a peck and a half of Indian Corn and two Bushells and a peck and a half of wheat and a peck and a half of barley and two Bushells and a peck of rye as by a certain note by the said Aaron signed dated the day and year aforesaid Now here in Court produced may appear and being so thereof indebted the said Aaron in Consideration thereof the day and year aforesaid at the place aforesaid within the Jurisdiction aforesaid upon himself did assume and to the said Mary then and there did full fully promise that he the said Mary Aaron the said Eighteen Bushells a peck and a half of Indian Corn and two Bushells a peck and a half of wheat to the said ^{Mary} when he should be therunto requested he would well and faithfully pay and Content Nevertheless the said Aaron his promise and assumption aforesaid in form aforesaid Nothing regarding but plotting and fraudulently Intending the said Mary in that part Craftily and Subtly to deceive and defraud the said Eighteen hundred Bushells a peck and a half of Indian Corn & two Bushells and a peck and a half of wheat to the said Mary he hath not paid or to her for the same in any wise Contented altho' the same to do the said Mary by the said Mary on the fifth day of December aforesaid in the year aforesaid and after aforesaid at the parish and County aforesaid within the Jurisdiction aforesaid he hath therunto requested but the same to her hitherto to pay ready wise for the same to Content hath altogether refused and she doth refuse and deny Whereupon the said Mary telle that she is wise and hath damage to the Value of three hundred and twenty money of Maryland and thereupon she brings Suit &c

Whereupon the said Aaron Jordan being called appears and thereupon the said Aaron Jordan at the prayer of the said attorney is adjudged to give security to the action aforesaid thereupon a certain Richard Knight of Somerset County planter present here in Court undertakes for the said Aaron Jordan that in Case the said Mary Hampton shall recover Judgment in the place aforesaid against the said Aaron Jordan or that the said Aaron Jordan shall be therunto convicted that then he the said Aaron Jordan shall pay the Condemnation of the Court thereupon or tender his Body to the custody of the Sherif of Somerset County in satisfaction thereof or that he the said Richard Knight will do it for him &c

Whereupon the said Aaron Jordan in his own proper person comes and defends the said Mary Hampton and says that he cannot gain say the said Mary Hampton's action aforesaid as aforesaid against him & brought nor can he say but that the said Mary Hampton ought to recover her damages by reason of the promise aforesaid to Eighteen Bushells a peck and a half of Indian Corn and two Bushells a peck and a half of wheat, and a peck and a half of barley against him which the said Mary does not gain say &c

Therefore it is considered by the Justices here the sixteenth day of June aforesaid and one thousand seven hundred and twenty four that the said Mary Hampton Recover against the said Aaron Jordan as well the sum of Eighteen Bushells a peck and a half of Indian Corn & two Bushells a peck and a half of wheat for damages aforesaid in form aforesaid Confessed as also the sum of Two hundred & eighty Five pounds of tobacco by the Court heretofore adjudged unto her for her costs and Charges by her about her Suit in this behalf said Out &c Expensed & the said Mary &c