

promise and assumption of the said Benjamin in his life time so as aforesaid made nothing regarding but plotting and fraudulently Intending the said John in that part craftily & Subtly to deceive and defraud the said Twelve pounds Eleven Shillings and Ten pence to the said John hath not paid or contented nor either of them hath paid or contented altho the same Benjamin in his life time (to wit) on the aforesaid Thirtieth day of November in the year aforesaid and often afterwards and the said Capell since the decease of the said Benjamin (to wit) on the first day of May Seventeen hundred thirty and four and often afterwards at the County aforesaid within the Jurisdiction aforesaid was thereunto requested by him the said John but the same to the said John to pay the said Benjamin in his life time hath refused and the same to the said John to pay the said Capell doth still refuse and deny whereupon the said John saith he is the worse and hath damages to the value of Twenty pounds Current money as aforesaid and thereupon he brings Suit &c.

1728	The Estate of Benj. King to J ^r Tunstall	Dr	Contract		
	To your assumption for Mr. Britney	£ 10 0 0	By 400 bar ^{ts} Staves		£ 8 0 0
	To ditto for Rob ^t Webster	£ 6 7	By Cash on acct. of your Note a hand		£ 1 1 8
	To making a Suit of Cloaths	0 18 0	ballance due to John Tunstall		12 11 10
1727	To 1/2 y ^r of five 3. 4	0 13 6			14 1 6
	To making a pea Jacket	0 5 6	Errors Excepted by me J ^r Tunstall		
	To 1/4 day J. 12 lib. flat	0 17 0	October the 18. 1734		
	To 5 quarts Rum & 5 ^l Sug ^r	0 7 3	Then came John Tunstall and		
	To 40 foot 2 in ^l pine for your deck	0 6 0	prov ^d this account as it stands stated both debitor		
1731	To making a pare of bricks	0 2 6	and Credit upon the holy Evangel of almighty god		
	To a bar ^{ts} Tar	0 12 0	to be just and true and that he nor any other person		
1732	To 8 yards five 1/2 bushell Salt	1 14 8	for his use directly or indirectly did never receive any		
1733	To your Note a hand	2 11 0	part or percell thereof more then Credit is given		
	To paid H ^l l ^l Horsey for you	14 10 0	for nor any thing in satisfaction for the same to the		
	To ditto to James Strawbridge	2 10 0	best of his knowledge		
		14 1 6			

And the aforesaid Capell King Executor of the same Benjamin King by Francis Allen his attorney defendeth the force and injury wher^o he and saith that he cannot gainsay the action afo of the afo John nor can he say but that the afo Benjamin in his life did assume upon himself in manner and form as the afo John above against him hath complained and as to the damages of the same John by him by Occasion of the premises in that part sustained the same Capell saith and Confesseth that the afo John has sustained damages by Occasion of the premises further than his Cost and Charges by him about his suit in that part apposed to the afo Twelve pounds Eleven Shillings & Ten pence Current money of Maryland & not more to be levied of the goods and Chattles of the afo Benjamin when ever the same shall come to the hands of the afo Capell to be Administ^{ed} on and because the afo John deny not this but the same allegation Confesseth to be true prays Judgm^t for those damages above Confessed together with his Cost and Charges afo to him to be adjudged &c.

Therefore by Consent of the parties afo it is Considered that the afo John Tunstall recover against the afo Capell King Executor of the same Benjamin King his damages afo to the afo twelve pounds Eleven Shillings & Ten pence Curr^t money of Maryland in form afo Confessed as also Two hundred and thirty pounds of tob^o for his Cost and Charges afo to the same John by the Court here and Consent of the parties afo adjudged of the goods and Chattles