

November Court Anno Domini 1749

Re Archibald Philbert, Plea

Re John Stramatt. Nonpross

Charles County sh. John Stramatt late of Charles County Sherrif was Attached to answer unto Archibald Philbert of sh. of trespass upon the case & so forth
And Whereupon the same Archibald by Jeremiah Chase his Attorney complains that whereas this John the Twenty Eighth day of September In the year of our Lord One Thousand Seven Hundred and forty Eight at Charles County sh. was Indebted to the said Archibald in the sum of Seven Hundred pounds of Inspected Tobacco for particular Article lying properly in an account as by the Particulars thereof hereunto in Court brought may appear and being so indebted the said John in consideration thereof afterwards to wit Tuesday and year ago at the County sh. upon himself assumed and to the said Archibald then and there fully promised that he the said John the said sum of Seven Hundred pounds of Inspected Tobacco to the said Archibald upon the next afterwards he should be requested must truly would Content and pay. Now the said John has by Impromise and assumption of not regarding but minding and fraudulently intending the same Archibald in this part craftily and subtilly to deceive and defraud the said John the said sum of Seven Hundred pounds of Inspected Tobacco in any part thereof to the same Archibald hath not paid nor him for the same in any sort Contented altho the said John was on the Tenth day of April In the year of our Lord One Thousand Seven Hundred & forty nine and often afterwards at Charles County sh. by the same Archibald hath been requested, but the same to him hitherto, to pay or him for the same in any sort to Content hath hitherto altogether refused & will doth Refuse to the damage of the same Archibald Philbert Fourteen Hundred pounds of Inspected Tobacco and therefore suit is brought and so forth.

20th Sept 1748 John Stramatt. Of P. Contra. Or

In bearing of John in law Thomas Williams was to have by agreement paid. Clear of Cash, the Tobacco Inspected

Charles County sh. On the 27th May 1749. Then came Archibald Philbert and made oath on the Holy Evangelists that the above account is just and true and that he nor no person for him never paid any part nor parcel thereof nor satisfaction or security for the same to the best of his knowledge In witness whereof before Mr. Stone

And the said John Stramatt by Thomas Clark his Attorney Comes & defends the force & injury thereof and says that he did not assume upon himself in manner and form as the said Archibald above against him complains and of this he puts himself upon the Country and the said Arch. Philbert also It is therefore Commanded the Sheriff that he Cause to come here immediately twelve or who neither sh. to Recognize sh. because sh. and afterwards to wit the same Second Tuesday in November sh. Come the Parties sh. by their Attorneys sh. and the Jury sh. by the Sheriff sh. who are summoned being Called likewise Come that is to say John Hanson Junr. Francis Birmingham. Michael Roby Richard Gamba 1st Mr. Thomson Nolley Maddox. Samuel Gray. Thomas Morris John Chandler. Samuel Turner Hatch Dent & Matthews Gady who to speak the truth in the Premises being Called and sworn upon their Oaths do say that the said John Stramatt did not assume upon himself in manner and form as the said Archibald Philbert in his declaring supposes Whereupon the said John by his Attorney sh. Gray Judgment of Law upon the verdict of the Jury sh. in favor of the said John to be Given. Therefore it is Considered by the Court here that the said Archibald Philbert taken nothing by his Suit sh. but that he & his pledges of due in the Prosecuting be in Merit sh. and that the said John go thereof with out day & It is likewise further Considered that the said John Stramatt Answer against the said Archibald Philbert the sum of (Three)