At which said court Mr. Dent attorney for the said Daniell Stanley
aforesaid defendt did propose and instruct their present to writt William Hatton Edward
Hall John Dent & Samuel Chamberlaine Gentlemen the said plt by their
attorneys — And the said John by Thomas Burford his attorney compl:
: vnder that whereas the said Daniell the last day of October in the yeare
our Lord 1683 at Patuxent aforesaid by his writing obligatory vnder his
hand & seale did promise & assume vpon himself to pay vnto the
said John vpon demand two hundred & forty pounds of Tobacco
& caske & a pertinent & prompt tender of the same (he the said John being
at large appearing & the said Daniell to be in mainprize for
forme aforesaid being vnderstood) the said Daniell afterward in contempt
of the said writt did assume vpon himself to the said John that he the said Daniell
would truly & faithfully pay the said summe of 2240 lb of Tobacco
to the said John when he should be thereto required vnder the said forfeiture
aforesaid not regarding but minding fraudulently & intruduously to defraud the said
John in that behalfe craftily & subtilly to deceive & defraud the said 2240 lb
of Tobacco & caske part thereof to the said John hath not yet paid although
the said Daniell to discharge himself by the said John afterward the day
& yeare aforesaid was requested but hath hitherto refused & doth still
refuse to the damage of the said John of 3000 lb of Tobacco & caske & other
wrongs to the said John —
And the said Daniell by William Dent his attorney comes & defends
the force & injury when & &c and saith he did not assume vpon & make
himself in manner & forme as the said plt above in his declaration
against him hath complained & of this he puts himself vpon the
Country & the said plt likewise —
Whereupon came a jury of able & lawfull men of this province to try the
issue joined between the said plt & Daniell Stanley & the said
jurors being sworne & affirmed vpon their oaths & affirmations
parties by their attorneys aforesaid & vpon their oaths & affirmations
aforesaid do say that the said Daniell Stanley did assume vpon himself
in manner & forme as the said plt above in his declaration against him
hath complained & of this they put themselves vpon the Country
& the said plt likewise — And they find that the said Daniell Stanley
did not pay the said 2240 lb of Tobacco & caske in the said declaration
mentioned vnto the said plt according to his promise & assumption
aforesaid & they find that the said Daniell Stanley did fraudulently
& intruduously & craftily & subtilly & deceitfully & to defraud the said
John of the said 2240 lb of Tobacco & caske promise & assumption
aforesaid not regarding but minding fraudulently & intruduously to defraud
the said John in that behalfe craftily & subtilly to deceive & defraud the said 2240
lb of Tobacco & caske part thereof to the said John hath not yet paid although
the said Daniell to discharge himself by the said John afterward the day
& yeare aforesaid was requested but hath hitherto refused & doth still
refuse to the damage of the said John of 3000 lb of Tobacco & caske & other
wrongs to the said John — And they find that the said Daniell Stanley
did not assume vpon & make any other promise or assumption
in manner & forme as the said plt above in his declaration against him
hath complained & of this they put themselves vpon the Country
& the said plt likewise — Marie Smith that the
summons was thereupon given to the sheriffe &c — Marie Smith that the
same to him was delivered & that he did warne the jurors to appeare
this present day & time according to the tenor of the said writt & that
he returned the names of the said jurors vpon the said writt — And
now (to wit) at this day to wit the 7th day of March 1683 came the said
parties by their attorneys aforesaid & the jurors of the said jury whose
names are to wit Marmaduke Stirman Luke Gardner Samuell Dorson Edward
Hall Samuell Howstead John Mitchell Francis Regon William Medley
William Watts Thomas Gilbert Timothy Goldsmith Daniell Keyley & Robert Kridgen
being all sworne in the premisses being elected tryed & sworne vpon their
oaths say that the said plt ought to have & recover against the said
Daniell Stanley the said 2240 lb of Tobacco & caske in the said declaration
mentioned & their damages by occasion of the premisses to 1500 lb of Tobacco
& caske & for their costs & charges in & about their suite in this behalfe
expended & they find that the said Daniell Stanley did assume vpon himself
in manner & forme as the said plt above in his declaration against him
hath complained & they assess the damages of the said plt by occasion
of the premisses to 1500 lb of Tobacco & caske & for their costs & charges
in & about their suite in this behalfe expended & they find that the said
Daniell Stanley did not pay the said 2240 lb of Tobacco & caske in the said
declaration mentioned vnto the said plt according to his promise &
assumption aforesaid & they find that the said Daniell Stanley did
fraudulently & intruduously & craftily & subtilly & deceitfully & to defraud the said
John of the said 2240 lb of Tobacco & caske promise & assumption
aforesaid not regarding but minding fraudulently & intruduously to defraud
the said John in that behalfe craftily & subtilly to deceive & defraud the said 2240
lb of Tobacco & caske part thereof to the said John hath not yet paid although
the said Daniell to discharge himself by the said John afterward the day
& yeare aforesaid was requested but hath hitherto refused & doth still
refuse to the damage of the said John of 3000 lb of Tobacco & caske & other
wrongs to the said John — And they find that the said Daniell Stanley
did not assume vpon & make any other promise or assumption
in manner & forme as the said plt above in his declaration against him
hath complained & of this they put themselves vpon the Country
& the said plt likewise — Marie Smith that the
summons was thereupon given to the sheriffe &c — Marie Smith that the
same to him was delivered & that he did warne the jurors to appeare
this present day & time according to the tenor of the said writt & that
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being all sworne in the premisses being elected tryed & sworne vpon their
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& caske & for their costs & charges in & about their suite in this behalfe
expended & they find that the said Daniell Stanley did assume vpon himself
in manner & forme as the said plt above in his declaration against him
hath complained & they assess the damages of the said plt by occasion
of the premisses to 1500 lb of Tobacco & caske & for their costs & charges
in & about their suite in this behalfe expended & they find that the said
Daniell Stanley did not pay the said 2240 lb of Tobacco & caske in the said
declaration mentioned vnto the said plt according to his promise &
assumption aforesaid & they find that the said Daniell Stanley did
fraudulently & intruduously & craftily & subtilly & deceitfully & to defraud the said
John of the said 2240 lb of Tobacco & caske promise & assumption
aforesaid not regarding but minding fraudulently & intruduously to defraud
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Whereupon came a jury of able & lawfull men of this province to try the
issue joined between the said plt & Daniell Stanley & the said jurors
being sworne & affirmed vpon their oaths & affirmations parties by their
attorneys aforesaid & vpon their oaths & affirmations aforesaid do say
that the said Daniell Stanley did assume vpon himself in manner & forme
as the said plt above in his declaration against him hath complained
& of this they put themselves vpon the