1684

said Roger to him thereunto required would well and truly content & pay
unto the said James one hund: of pounds tobacco as the said James
doth, should reasonably deserve towards for his hund: trouble and labour
therein. And the said James in fact says that trusting to the said full
promise and assumption of the said Roger made as aforesaid did accept of
the said Roger Hader and as his attorney & delight
did looke after and manage the plantation servants and all other his business
and affairs of him the said Roger according to such instructions as the said
Roger from time to time did give concerning the same during the whole
time of the said Roger Hader his absence upon the said voyage (that is to
say) from the said 28. day of October in the year aforesaid until the first
day of September then next following. And at the return of the said Roger
Hader did give him a true account of the same for all which the said
reasonably deserved to have the sum of fifty thousand pounds of tobacco
nevertheless the said Roger Hader his promise & assumption not regarding
but deviling & fraudulently intending the said James Waite in fact to defraud
to defraud and deceive the said fifty thousand pounds of tobacco although
often required. And particularly upon the 20. day of December Anno 3. Dni
1683 have not paid nor any satisfaction rendered the said James for his
time trouble & labour aforesaid but him to content & pay thereto hath
denied & still doth deny whereupon the said James says he is damnified
and hath lost to the value of one thousand pounds of tobacco and
therefore upon his oath his suite —

And the said Roger Hader comes & defends the force and injury
when &c. and prayeth the liberty of imparling hereunto until the next
provincial Court and it is granted unto him & the same day is given &c.

plt allo —

Now here at this day to wit the 27. day of February for the Court
ward of the Dominion of Maryland &c. Anno Dni 1684 came the said parties
by their attorneys aforesaid. And the said Roger says that he did not
promise and assume in manner & forme as the plt in his declaration doth
complaine and of this he puts himselfe upon the Country. And the plt also —
This therefore commanded the sheriffe of St. Maries County that he cause to come
here twelve &c. by whom &c. and who neither &c. to recognize &c. on
the trial of the issue &c. —

And at this day & month aforesaid viz the 27. day of February 1684 came the said
parties by their attorneys aforesaid. And the jurors of the jury likewise
sworn to wit — Capt. Henry Smith, Thomas Hore, Nicholas Terrett, Robert Smith,
Brutlind Walthus, George Alman, Christopher Butter, Robert Teague, John
Stroall, Walter Woberton, Henry David, Peter Oard, who to say their truth
in the premises being elected tried & sworne upon their oaths do say that
find for the plt. fifteen thousand pounds of tobacco & cost of suite. Whereupon it is
considered by the Court here that the said James Waite do
recover against the said Roger Hader the sum of fifteen thousand
pounds of tobacco damages assessed by the trespasses aforesaid as also his
sum of one thousand forty eight pounds of tobacco cost of suite by
the Court in mercy &c. —

Owen Guy Hder
ag.
Robert Freeder } Robert Freeder late of St. Maries County was attached to answer unto
Owen Guy Hder in a plea of trespasse upon the case —

And whereupon the said Owen by Christian his attorney complaineth
that whereas the said Robert the fifteenth day of September in the year of our
Lord 1682. for consideration that the said Owen at the said Robert's instance &
request of him the said Robert would render unto him the said Robert & his wife

into the house of him the said Owen and finde them sufficient meate drinke and
lodging for the time they should see remaine at the house of him the said Owen
did assume upon himselfe and to the said Owen did faithfully promise that the said
said Robert when thereunto required would well and truly pay unto him the said
Owen for the same what he should reasonably deserve. And the said Owen in fact
says that the said Owen did receive the said Robert and his wife into the
house of him the said Owen & did for the space of time of eight months
to wit from the said 5th day of December in the year aforesaid to the 15. day
of August in the year 1683 find & provide for him the said Robert & his wife
sufficient meate drinke and lodging and that for the same he did well deserve
two hundred pounds of tobacco & more, which in the whole amounts but to the
sum of five hundred pounds of tobacco. Notwithstanding which the said
Robert his promise and assumption not regarding but deviling & intending
fraudulently in tending him the said Owen of the said 600 lb. of tobacco to defraud
and defraud the same to him the said Owen have not paid according to his said
promise but the same to pay thereto have & still denyes to pay to the damage of
him the said Owen the sum of three thousand pounds of tobacco. And upon
the bringe his suite —

And the said Robert Freeder by Thomas Hurford his attorney comes & defends
the force & injury when &c. and prayeth leave to imparle hereunto until the
next provincial Court and it is granted unto him & the same day is given to the
plt also —

Now here at this day to wit the third day of March Anno Dni 1684 came
the said parties by their attorneys aforesaid. And the said Robert Freeder says
that he is in no wise guilty nor did not assume & promise in manner &
forme as the plt in his declaration have declared. And of this he puts
himselfe upon the Country. And the plt also —

Whereupon it is therefore commanded the sheriffe of St. Maries County that he cause to
come here twelve &c. by whom &c. and who neither &c. to recognize &c. on
the trial of the issue &c. —

And the aforesaid 3rd day of March 1684 came the said parties by their
attorneys aforesaid. And the jurors of the jury likewise came to wit Capt.
Henry Smith, Thomas Hore, Nicholas Terrett, Robert Smith, Brutlind Walthus,
George Alman, Christopher Butter, Thomas Nilde, John Stroall, Walter
Woberton, Henry David, Peter Oard, who to say their truth in the premises being
elected tried & sworne upon their oaths do say we find for the plt.
fifteen hundred pounds of tobacco and cost of suite. Whereupon it is
considered by the Court here that the said Owen Guy Hder do recover against the
said Robert Freeder fifteen hundred pounds damages &c.
as also the sum of
pounds of tobacco cost of suite by the Court in mercy &c.

Philip David &c.
Lodge John Lodge
ag.
Joseph Coteto &c. Anne
Dodmit Ben: Randall
Maryland } Joseph Coteto late of Kent County & Anna his wife & Dnl of Benjamin &
Randall Dordale were summoned to answer unto Philip David & Julianna
his wife of a plea that they render unto them fifteen thousand pounds
of tobacco which from them they unjustly detain —

And whereupon the said Philip David and Julianna his wife by Robert Carter their
attorney say that whereas Benjamin Randall late of Kent County died upon the
seventh day of April in the year of our Lord 1680 at Kent County aforesaid by his
certain bond or writing obligatory sealed with the seale of him the said Benjamin
and here in Court produced whose date is the day and year above said did acknowledge
himselfe to be holden & firmly bound unto the said John Lodge in the full and
just quantity of fifteen thousand pounds of tobacco & did lay & bind to the said