Queen Anns County
in Maryland

# In the Records of Queen Anns County Commongst

Other things it is there Contained Vizt

All a Court of our Soveraigne Lady Anne by the Grace of God Queen of Great Britain &c held at Queen Anns for Queen Anns County the 26th day of August in the tenth year of her Maties Reign Anno Domini 1710 before Edmund Jenings Esqr and his Associates Justices assigned to keep the Peace for the said County and to hear and determine all and singular Felonies Trespasses and other Misdemeanors committed within the said County by the Statute in that case made and provided

Present

The Worshipfull { Major Wm Furlong, Mr Thomas Fisher, Mr John Salter, Mr John Hollingsworth, Mr John Rogers, Mr Thomas Marsh } Commissioners

Vincent Hemsley Plaintiff
Versus
Andrew King Defendant

Commandm Given to the Sherr of Queen Anns County the 26th day of August Anno Domini 1710 in the 9th year of her Majties Reign &c That he cause to be summoned Andrew King of Queen Anns County Planter to be and appear at the Court house in the Town of Queen Anns in the said County on the 1st Tuesday in November next then and there to answer unto Vincent Hemsley of Talbot County in a plea of trespass upon the case and hereof fail not &c

At which Court came Richard Tilghman Gent Esqr the Sherr of the said County and made return hereon Endorsed Exd Coppa Corpus Richd Tilghman Sherd and the Defendt being called Comes and by Thos Bowdle his Attorny Appeared and prayd Liberty to Imparle unto the next Court which is to him was Granted Ad Same day Rule given Tales de Circa

At which said next Court Viz the 27th day of March Anno Domini 1711 the said Cause was Continued unto the then next Court

At which said next Court (Continued) the 28th day of May the first above mencond the said Cause standing for Tryal Came the said Pltff by his Attorny Nicholas Lowe Esqr the said Defendt by Thos Bowdle his Attorny the said Pltff by his Attorny Declares Vizt

Maryland
Queen Anns County ss

Andrew King of Queen Anns County Planter Stands Attached to Answer unto Vincent Hemsley of Talbot County Gent of a plea of Trespass upon the case And thereupon the said Vincent Hemsley by Nicholas Lowe his Attorny Complains for that whereas the said Vincent on the 27th day of November Anno 1708 at Wye River in Queen Anns County aforesaid in the Jurisdiction of this Court the said Andrew at Wye River in Queen Anns County aforesaid in the Jurisdiction of this Court the 27th day of November Anno 1708 being then Indebted to certain Richard Bullard Esqr then late of Talbot County aforesaid in the Sum of Three thousand one hundred Sixty Seven pounds of Tobacco & for the payment thereof the aforesd Andrew had Drawn and Delivered an Order upon the said Vincent thereby requiring him to Pay to the above said Richard Bullard Esqr the aforesaid 3167lb of Tobacco upon which Order Communication was had and moved between the said Vincent and the said Andrew of and Concerning some Tobacco before that time paid by the said Vincent to the Order of certain Benjn Nobles the Predecessor of the aforesaid Andrew and Assignee of the said Vincent Concerning the said Vincents Receiving and Paying the aforesaid Note Drawn by the said Andrew upon the said Vincent to the said Richard Bullard Esqr for the aforesaid 3167lb of Tobacco upon the said Communication it was so far proceeded in Consideration and at the Special Instance and Request of him the said Andrew the said day & year at the place aforesaid with in the Jurisdiction of this Court it was Agreed (Whereas)



Whereas Except the aforesaid Note for 3167lb of Tobacco payable to the aforesaid Richard Bullard Esqr he the said Andrew did upon his Oath in Open Court assume and undertake unto the said Vincent upon his Faith Credit & Truth that he the said Andrew would pay and Satisfye unto the aforesaid Vincent Hemsley all such Sum or Quantities of Tobacco as he the said Vincent Hemsley at any time afterwards made Appear that he the said Vincent had paid to him the said Andrew or to Benjn Nobles or to his Order when he Should be thereunto afterwards required & the aforesaid Vincent in fact Saith that he trusting to the faithfull promise & Assumption of the aforesaid Andrew so as aforesaid made & thereupon relying the aforesaid day of November Anno 1708 at Wye River in Queen Anns County aforesaid & within the Jurisdiction of this Court the said Vincent did Deliver unto the aforesaid Andrew an Order Drawn by the aforesaid Andrew upon the said Vincent payable to the aforesaid Edward for the aforesaid Sume 3167lb of Tobacco & part thereof and acted afterwards That is to say on the 1st day of August Anno 1710 he the said Vincent did Discover that he had paid to the aforesaid Benjn Nobles & his Order in his life time the Sum or Quantity of four Thousand two hundred pounds of Tobacco which had not been accounted for between the said Vincent & the said Benjn Nobles in his life time and Mary Nobles the Relict & Executrix of the said Benjn after the Death of the said Benjn in the Capacity of Executrix to the aforesaid Benjn & the aforesaid Andrew & Mary in their Capacity after Intermarriage between them celebrated and thereof gave notice to the said Andrew requiring him according to his promise & Assumption aforesaid to pay and Satisfye unto the said Vincent the Sume 4200lb of Tob yet Never the less the aforesaid Andrew his promise & Assumption aforesaid not minding or regarding but Slighting and fraudulently intending him the said Vincent the Sume 4200lb of Tobacco according to his promise and Assumption aforesaid unto the said Vincent he did not pay or Satisfye all the said Tobacco the same at Queen Anns County aforesaid & within the Jurisdiction of this Court the 11th day of November Anno Domini 1710 he was in friendly manner required to pay the same but the same 4200lb of Tobacco the said Andrew (then and there refused & denyed to pay and as yet doth pay the same although often Demanded doth deny & refuse to the Damage of the said Vincent Hemsley 200lb of Tobacco & therefore he brings this Suit &c

Lowe Qr Ver. Pledges Diggs / John Doe / Richard Roe

And the said Andrew King by Thos Bowdle his Attorny Comes and Defends the force Injury when &c & Saith that he did not Assume upon himself in Manner and form as the said Vincent above in his Declaration hath Suggested & Declared against him & of this he puts himself upon the Country Bowdle Defendant

And the Pltff in like Manner Lowe Qr Ver. Therefore Command was given to the Sherr of Queen Anns County that Immediately the same Summons Hoc Vice &c by whome &c he Summoned &c & Attached the Defendt to be and appear &c

At which Court came the said Parties and the Jurors of the Jury Impannelled to try this Issue being Called Likewise (Comes Sworn) Jno Salter, Jacob Scomiglow (Wm Daniel)