and there faithfully promised that he the said John Fendall the aforesaid sum of Money to him the said Thomas when afterward he should be thereunto required would well and truly content and pay And Whereas the aforesaid John Fendall in his Life Time afterward to wit on the Day of June in the Year seventeen hundred and sixty two at Charles County aforesaid was indebted unto him the said Thomas in the Quantity of one thousand eight hundred and seventy two Pounds of Tobacco for sundry Articles properly chargeable in Account as by a particular Account thereof herewith into Court brought may appear And being so thereof indebted the said John Fendall in Consideration thereof afterwards in his Life Time to wit on the Day and Year last aforesaid at the County aforesaid upon himself Assumed and to the same Thomas then and there faithfully promised that he the said John Fendall the aforesaid Quantity of Tobacco to the aforesaid Thomas when afterwards he should be thereunto required would well and truly content and pay Nevertheless the aforesaid John Fendall in his Life Time and the aforesaid Sarah and Philip Richard since the Death of him the said John Fendall the several promises and Assumptions aforesaid of the aforesaid John Fendall in his Life Time so as aforesaid made not regarding but minding and fraudulently intending him the said Thomas in this part craftily and subtilly to deceive and defraud the aforesaid sum of twenty five Pounds Sterling and the Quantity of one thousand eight hundred and seventy two Pounds of Tobacco or either of them or any part of either of them to the same Thomas neither the aforesaid John Fendall in his Life Time nor the said Sarah and Philip Richard since the Death of him the said John Fendall hath paid or contented (altho so to do the aforesaid John Fendall in his Life Time afterwards to wit on the Day and Year last aforesaid at the County aforesaid and the said Sarah and Philip Richard since the Death of the said John Fendall to wit on the Day of seventeen hundred and and often afterwards at the County aforesaid by the same Thomas have been requested) But the aforesaid John Fendall in his Life Time and the aforesaid Sarah and Richard since the decease of him the said John Fendall the aforesaid sum of Money and Quantity of Tobacco or any part of either of them to the same Thomas to pay or him for the same in any manner to content have altogether refused and the said Sarah and Richard still do refuse to the damage of him the said Thomas in the sum of Fifty Pounds Sterling and the Quantity of three thousand pounds of Tobacco aforesaid

(and)

And thereof he brings Suit and so forth

Pledges and so forth John Doe and Richard Roe

And now here at this Day to wit the 13th Day of September Anno Dominni 1763 the said Sarah Fendall and Philip Richard Fendall Executors of John Fendall by Edmund Key their Attorney come and defend the Force and Injury when and so forth and pray Leave to Imparle hereunto until next Court and they have it the same Day is given to the Plaintiff also

At which said next Court to wit the 10th Day of April Anno Dominni 1764 Comes again as well the said Thomas Johnson Junior by his Attorney aforesaid as the said Sarah Fendall and Philip Richard Fendall Executors as aforesaid by their Attorney aforesaid And the said Sarah Fendall and Philip Richard Fendall Executors as aforesaid by their said Attorney (as before) defend the Force and Injury when and so forth and Say that they cannot deny the Action aforesaid of him the said Thomas Johnson Junior so as aforesaid against them brought nor but that the said John Fendall in his Life Time did Assume upon himself in manner and form as the said Thomas Johnson Junior in his Declaration aforesaid hath declared nor also but that they the said Sarah Fendall and Philip Richard Fendall do detain from him the said Thomas Johnson Junior the aforesaid sum of Twenty five Pounds Sterling and the Quantity of one thousand eight hundred and seventy two Pounds of Tobacco

Therefore it is Considered by the Justices here that the said Thomas Johnson Junior recover against the said Sarah Fendall and Philip Richard Fendall Executors of John Fendall the sum of Twenty five Pounds Sterling and the Quantity of one thousand eight hundred and seventy two Pounds of Tobacco his Damages aforesaid as also the sum of

£8 45/1/4 Tobacco by the Court here unto the said Thomas Johnson Junior on his Assent adjudged for his Costs and Charges by him about his Suit in this behalf laid out and expended (To be Levied of the Goods and Chattles which were of the aforesaid John Fendall deceased at the Time of his Death in the Hands of the said Sarah Fendall and Philip Richard Fendall Executors as aforesaid remaining to be Administered if so much thereof in their Hands they have if not then the Costs of Suit aforesaid to be Levied of the proper Goods and Chattles of the said Sarah Fendall and Philip Richard Fendall And the said Defendants in Mercy &c

Sest. Reverdy Ghiselin Clk