

March Court 1717

Trespas on the Case. And where upon the D<sup>o</sup> p<sup>l</sup>t. by John Johnson his atty Complainant  
 for that whereas that there has been & still is a certain Custom amongst Merchants &  
 other persons residing in the County of Down & Connaught having been used & approved that is  
 to say If any Merch<sup>t</sup> or other person there having Commerce should make any note or  
 order in writing & thereto subscribe his name and the said note or order should  
 direct to any other Merch<sup>t</sup> or person thereby requiring such Merch<sup>t</sup> or other person  
 to pay or cause to be paid to any Merch<sup>t</sup> or other person any Sum or quantity of  
 Tobacco or money & such Merch<sup>t</sup> or other person should by writing under his hand  
 thereto subscribed accept of the said note or order then such Merch<sup>t</sup> or other  
 person so accepting such note or order should be liable to pay to such Merch<sup>t</sup>  
 or other person in the D<sup>o</sup> note or order mentioned and whereas a Certam<sup>o</sup> Hon<sup>o</sup>ble  
 John Powell the Twentieth day of Juny in the Year of our Lord one Thousand seven  
 hundred & Seconten at the parish of S<sup>t</sup>. Pauls in the County of D<sup>o</sup> within the Juris-  
 diction of this Court having then and there a Commerce according to the Custom afo-  
 re said made his certain Note or order in writing with his own hand thereto subscribed &  
 the D<sup>o</sup> note or order to the said D<sup>o</sup> Deb<sup>t</sup> directed thereby requiring the said D<sup>o</sup> Deb<sup>t</sup> to pay  
 to the said p<sup>l</sup>t. or order five hundred pounds of good Sound M<sup>o</sup> available Large  
 Tobacco in Carque within said note or order the D<sup>o</sup> Deb<sup>t</sup> did the Twentieth day  
 of Juny in y<sup>e</sup> Year afo<sup>r</sup> at y<sup>e</sup> parish County & Jurisdiction afo<sup>r</sup> accept to pay to y<sup>e</sup> D<sup>o</sup> p<sup>l</sup>t. the  
 D<sup>o</sup> Sum of five hundred pounds of Tobacco in Carque in the said note or order men-  
 ed by reason of which premises the said D<sup>o</sup> Deb<sup>t</sup> became chargeable & yet remains  
 chargeable to pay to y<sup>e</sup> D<sup>o</sup> p<sup>l</sup>t. in the D<sup>o</sup> Note or order mentioned the D<sup>o</sup> five hundred  
 pounds of Tobacco in the said Note or order specified according to y<sup>e</sup> forme & Effect of the said  
 Note and thereupon the D<sup>o</sup> Deb<sup>t</sup> in Consideration of y<sup>e</sup> premises afo<sup>r</sup>wards to wit the Twentieth  
 day of Juny in y<sup>e</sup> Year afo<sup>r</sup> at the parish County & Jurisdiction afo<sup>r</sup> upon himself  
 assumed & to y<sup>e</sup> D<sup>o</sup> p<sup>l</sup>t. then & there faithfully promised that he the said D<sup>o</sup> Deb<sup>t</sup> the said  
 five hundred pounds of Tob<sup>o</sup> according to y<sup>e</sup> tenor & effect of the D<sup>o</sup> note to y<sup>e</sup> D<sup>o</sup> p<sup>l</sup>t. would  
 well & truly content & pay and whereas the said D<sup>o</sup> Deb<sup>t</sup> the thirtieth day of Juny  
 in the Year afo<sup>r</sup> at the parish County & Jurisdiction afo<sup>r</sup> was indebted unto the said p<sup>l</sup>t.  
 in the Sum or quantity of five hundred pounds of Tobacco for so much Tobacco by  
 him the said p<sup>l</sup>t. for his the D<sup>o</sup> Deb<sup>t</sup>s proper use & behoofe & all in the said D<sup>o</sup> Deb<sup>t</sup>s  
 Special Instance & request then and there Cert<sup>o</sup> & accommodated and being so indebted  
 the said D<sup>o</sup> Deb<sup>t</sup> the day & Year last mentioned at the parish County and Jurisdiction  
 afo<sup>r</sup> did upon himself assume & to the said p<sup>l</sup>t. then & there faithfully promised  
 that he the said D<sup>o</sup> Deb<sup>t</sup> the said Sum of five hundred pounds of Tobacco to y<sup>e</sup>  
 said p<sup>l</sup>t. when he should be therunto required would well & truly content & pay  
 Nevertheless the afo<sup>r</sup> Deb<sup>t</sup> his promises & assumptions afo<sup>r</sup> in forme afo<sup>r</sup> made like  
 minding or regarding but plotting & fraudulently intending him the said p<sup>l</sup>t. in  
 this behalfe craftily & Subtly to deceive & defraud the said five hundred  
 pounds of Tobacco to the said p<sup>l</sup>t. (altho' often required the said D<sup>o</sup> Deb<sup>t</sup> the thirty  
 first day of Juny in the Year afo<sup>r</sup> at the parish County & Jurisdiction afo<sup>r</sup> & of later  
 time by the D<sup>o</sup> p<sup>l</sup>t. hath been thereto required) hath not paid nor to him for  
 the same hath any ways contented but to him hitherto to pay hath neither  
 refused nor will doth refuse wherefore he says he is worse & hath damage to