

And the ap^d Def^t being called came. And in his proper person appeared to the above Clerk and said that he cannot pay the sum ap^d of him the said p^t. nor but that he is indebted to the ap^d p^t the sum of Seven hundred and three pounds of Tobacco or Callam. and is willing that Judgment should be entered for the same and Cost thereon accruing. Therefore it is Considered by the Court here by. This Twentieth first day of March Anno Domini One Thousand Seven hundred and Seventeen that the said p^t. James Harris do recover against the said Def^t Luker or Middleton or well the ap^d sum of Seven hundred & three pounds of Tobacco Damages as also the sum of Two hundred & thirty three pounds of Tobacco Cost by the ap^d p^t. in this behalf expended & by the Court here of his ap^d adjudged and the said Def^t in money to

John Underling

John Underling Sen^r

John Underling Jun^r

Commanded it was to the Sheriff of Kent County the Twentieth second day of November in the Second year of his Lordships Dominion &c. that he take John Underling Jun^r of Kent County planter of his should be found in his Bailwicks & him safe keep so that he have his body before his said Lordships Justice of the next Court to be held at our Court house in the Town of Custer in said County to shew unto John Underling Sen^r of a plea of trespass upon the Case. and that he have then and there the said writ &c. . . . All which said next Court viz the Eighteenth day of March the same year last mentioned the day of return of the writ came Simon Wilmer Clerk High Sheriff of said County and made return thereof in these words thereon: Enacted as said viz. Copy Certify to the Hon^{ble} Justices and a Declaration being filed in said Court which said John Underling Jun^r of Kent County planter was attached to shew unto John Underling Sen^r of a plea of trespass upon the Case. . . . And thereupon the ap^d p^t. by Thomas Bourne his attorney Complaineth that whereas the ap^d the tenth day of March in the year of our Lord Christ one Thousand Seven hundred and Sixteen at S. Pauls Parish in Kent County within the Jurisdiction of this Court was indebted unto the ap^d p^t in the sum of Twelve hundred Eighty four pounds of Tobacco for the like sum of Tobacco for the said Def^t by the said p^t and so thereof being indebted the ap^d Def^t in consideration thereof then and there upon himself assumed and to the said p^t. then and there faithfully promised that he the said Def^t the ap^d sum of Twelve hundred Eighty four pounds of Tobacco unto the said p^t. when thereunto required would well and truly pay & content. Nevertheless the ap^d Def^t his promise and assumption ap^d in form ap^d made little regarding but plotting and fraudulently intending turn the said p^t of the ap^d sum of Twelve hundred Eighty four pounds of Tobacco craftily and subtilly to deceive and defraud the ap^d sum of Twelve hundred Eighty four pounds of Tobacco to the said p^t altho he the said Def^t afterwards by the tenth day of June in the year of our Lord Christ one Thousand Seven hundred and Seventeen and often after at the Parish County & Jurisdiction ap^d was thereunto required hath not paid nor made Content for the same but that to him to pay or make Content for the