

today the truth in the premises upon their Oath doe say that the said Grisilla wife of the aforesaid Timothy Malcolme did assume upon herself in manner and form whilst she was sole, as the aforesaid Robert Martin above against them the said Timothy and Grisilla hath complained, and doe as for the Damages of the said Robert by Occasion of the premises aforesaid beyond his Costs and Charges by him about his Suite in this behalf laid out and Expended to four hundred and forty three pounds of Tobacco and for his Costs One pound of Tobacco

Therefore it is Considered by the Justices here the twentieth day of August anni. Dom. One thousand Seven hundred and twenty three that the aforesaid Robert Martin Recover against the said Timothy Malcolme & Grisilla his wife as well the Summe of four hundred and forty three pounds of Tobacco his Damages aforesaid in (683) sum aforesaid as also the Summe of Six hundred Eighty three pounds of Tobacco by the Court here adjudged unto him for his Costs and Charges by him about his Suite in this behalf laid out and Expended and Defests in merrye

John Thomas Simmons } Somerset County sh. John Layton of Stegney parish in Somerset County grants
ag. } was attached to enfor into Thomas Simmons of a plea of trespass upon the Case &c.
John Layton - } And whereupon the said Thomas ff George Daskelle his attorney complains that whereas the said John the Eleventh day of Aprill anni. Dom. One thousand Seven hundred and Nineteen at the parish and County aforesaid within the Jurisdiction of this Court was indebted unto the said Thomas the Summe of five hundred pounds of Tobacco and fifteen Bushells of Indian Corn as ff ante under the hand of the said John it may in Court appear and being so there of indebted the said John the day and Year aforesaid at the time and place aforesaid within the aforesaid Jurisdiction upon himselfe did assume and to the said Tho. then and there did faithfully promise that he the said John the aforesaid five hundred pounds of Tobacco and fifteen Bushells of Indian Corn he would well and truly Content and pay when he should be there to requested Never the less the said John his promise and assumption aforesaid made little regarding but plotting and fraudulently Intending the said Thomas craftily and Subtily to deceive and defraud the aforesaid five hundred pounds of Tobacco and fifteen Bushells of Indian Corn to the said Thomas he hath not paid or to him for the same in any wise Contented altho he hath been often thereunto requested but the same to him to pay hath refused and still doth refuse to the damage of the said Thomas of One thousand pounds of Tobacco and thirty Bushells of Indian Corn and thereupon he brings this Suite -
Daskelle Quer. plega ad doct hoc

And the said John Layton by Francis Allan his attorney comes and defends the force and injury when &c and prays Leave to imparte here unto make the next Court and he hath it and the same day is given to expell also - At which said next Court to wit the twentieth day of August anni. Dom. One thousand Seven hundred and twenty three comes again as well the said pffa by his attorney aforesaid as the said Defests in his proper person, and the said Defests says that he cannot give any the action aforesaid so as aforesaid against him brought nor can he say but that the said pffa ought to recover his Damages aforesaid by Occasion of the premises aforesaid to the Summe of five hundred pounds of Tobacco and fifteen Bushells of Indian Corn, and Costs of Suite against him which said pffa does not give any &c - Therefore it is Considered by the Justices