

March Court 1723 . . . 152

And says that he cannot give way the plaintiff's action afo. so as afo. against him brought, nor can he say but that the said plff ought to recover his damages by reason of the premises afo. to One thousand five hundred and thirty seven pounds of tobacco and costs of suite against him which the said plff does not give way to

Therefore it is considered by the Justice here the seventeenth day of March and Dord.

One thousand seven hundred and twenty three that the said Thomas Dashed recover against the said John Fawcett ~~Sum of~~ as well the sum of One thousand five hundred & thirty seven pounds of tobacco certain damages afo. in form afo. conspired as also the sum of Three hundred & Twenty Six pounds of tobacco by the Court here adjudged unto him for his costs and charges by him about his suite in this Behalf Said Out & Expended & Defect in money &c

Richard Holland

Thomas Brown

Command was given to the Sheriff of Somerset County that he should take Thomas Brown of all hollows parish in the County of Somerset & deliver him to the Justice of the Peace at the third Tuesday of March next to answer unto Richard Holland of a plea of trespass upon the Case &c and that there of he should not fail &c

And where upon the said Richard by Francis Allen his attorney complains that where as the said Thomas the first day of March and Dord. One thousand seven hundred and sixteen at the parish and County afo. within the Jurisdiction of this Court was indebted unto the said Richard in five hundred pounds of tobacco for Sunday services by the said Richard for the said Thomas at the Special Instance and request of the said Thomas, done and performed then and there as by an auto. there of there unto annexed may in Court appear and being so there of indebted the said Thomas in consideration thereof upon himself did assume and to the said Richard then and there forth fully promise that he the said Thomas the afo. five hundred pounds of tobacco to the said Richard when he should afterwards there unto Requested he would well and faithfully pay & Content, and altho. the said Thomas Eighty three and three quarters of a pound of tobacco parcel of the afo. five hundred pounds of tobacco to the said Richard he hath paid and satisfied yet as to four hundred & sixteen and a quarter pounds of tobacco Residue of the afo. five hundred pounds of tobacco the said Thomas his promise and assumption afo. in form afo. made little regarding but plotting and fraudulently Intending the said Richard in that Craftily and Subtly to deceive and defraud the afo. four hundred sixteen and one quarter pounds of tobacco to the said Richard he hath not paid, or to him for the same in any wise Contented altho. the same to do the said Thomas by the said Richard on the tenth day of March afo. in the year afo. and often afterwards at the parish and County afo. within the Jurisdiction afo. he was there: in to Requested but the same to him to pay or in any wise to Content hath refused and still doth refuse and being where upon the said Richard says that he is worse and hath damage to the value of Eight hundred thirty two & one half pounds of Tobacco and there upon he brings Suite &c

Allen & Co. Clerks of the Court