

June Term Court --- 1723 --- 60

Jos. M<sup>r</sup> Carter Shew. Whereupon the said Robert Martin by his attorney afo<sup>r</sup> Gray that forasmuch as he has complied with the Law in order to an attachment: he may have Judgment for the same against the goods and Chatter rights or credits of the said Robert Catts according to act of assembly &c.

Whereupon for that it seems to a Court here that the said Robert Martin has complied with the Law as alleged, Therefore it is considered by the Justices here that the Eighteenth

Day of June Ann<sup>d</sup>. Term: One thousand Seven hundred and twenty three afo<sup>r</sup> that the said Robert Martin recover against the said Robert Catts or wote the sum of One thousand Seven hundred and forty three pounds of t<sup>o</sup> his damages by Occasion of the Executions afo<sup>r</sup> as all costs and charges by the said Catts laid out and Expended about his suit by way of attachment against goods, Chatter rights or credits of the said Robert Catts according to act of assembly in such case made and provided &c.

Mag<sup>r</sup> John M<sup>r</sup> Carter } Committed was given to the Sheriff of Somerset County that he should take Thomas Johnson of Monticoke hundred in the County of Somerset Sheriff if he should be found in his Bailwick and him should safe keep so that he might have his Body before the Justices of the Lordships County Court of Somerset to be held at Dividing Creek the third Tuesday of June then next to answer unto Mag<sup>r</sup> John M<sup>r</sup> Carter of a plea of trespass upon the Case &c. and that thereof he should not fail &c.

And whereupon the same John by Francis Allen his attorney complains that whereas the afo<sup>r</sup> Thomas the Seventh day of May in the year of our Lord God One thousand Seven hundred and twenty One at Somerset County and within the Jurisdiction of this Court was indebted unto the afo<sup>r</sup> John in the sum of Nine hundred and fifty pounds of tobacco for so much by the same John for the afo<sup>r</sup> Thomas at the Especial Instance and request of the afo<sup>r</sup> Thomas before that time to a certain Tobias Bourne deposited and laid as by a certain Note here in Court ready to be produced may appear and so that of being indebted the afo<sup>r</sup> Thomas afterwards to wit the same twenty Seventh day of May in the year afo<sup>r</sup> at Hants afo<sup>r</sup> and within the Jurisdiction afo<sup>r</sup> in consideration thereof upon him self did assume and unto the afo<sup>r</sup> John then and there faithfully did promise that he & afo<sup>r</sup> Thomas the same Nine hundred and fifty pounds of tobacco unto the same John when thereof afterwards he should be requested well and faithfully would pay and Content Nevertheless the afo<sup>r</sup> Thomas his promise and assumption afo<sup>r</sup> so as it is said made nothing regarding but minding and fraudulently Intending the same John in this Part craftily and subtilly to deceive and defraud the afo<sup>r</sup> Nine hundred and fifty pounds of tobacco or any part thereof unto the same John hath not paid or in any sort Contented altho' to do the same the afo<sup>r</sup> Thomas afterwards to wit the thirtieth day of May in the year of our Lord God Seventeen hundred and twenty One afo<sup>r</sup> at Hants afo<sup>r</sup> within the Jurisdiction afo<sup>r</sup> by the afo<sup>r</sup> John he was Required but that unto him hitherto to pay or in any sort to Content altogether hath refused and since doth refuse to do Damages of the said John of Eighteen hundred pounds of t<sup>o</sup> and thereupon he brings the Suite &c.

At which said third Tuesday of June to wit the Eighteenth day of the same Month. And Term One thousand Seven hundred and twenty three Being 3 Day of the return of the said Writ Com<sup>r</sup> the said