

to the same Joseph would well and faithfully content and pay Nevertheless the said Thomas his promise and assumption and in form and made not regarding but blotting and fraudulently intending the same Joseph in that sort to defraud and deceive the said Thomas the said sum of six hundred and two pounds of tobacco or any part thereof likewise to the same Joseph, ~~afterwards by the said Joseph~~ after by the same Joseph thereto Required afterwards, viz. upon the 10th day of December in the year 1722 at Somerset County and within the Jurisdiction of the said Court hath not paid or the same Joseph for it in any wise contented but the said Thomas the same likewise to pay, or the same Joseph for it in any wise to content hath altogether Refused and Still doth Refuse whereby the same Joseph says he is worse and hath Damage to the value of twelve hundred and two pounds of tobacco and thereof he brings Suit as follows.

1722	Thomas Goddard	2	John Gale of Quaker Lodge & Indoe R. Roe	
	To 2000	200	Contra	
1723	To 1 Dillo @ 150	150	Bald Due to J.	
1724	To 1 Dillo @ 089	089		602
	To 1 Day in Custody	020	Saving Errors of J. M. Carter	
	To the Interest	091		
		<u>602</u>		

Whereupon the said Thomas Goddard in his own proper person appears and thereupon the said Thomas Goddard at the Prayer of the said Attorney is adjudged to give Special Bail to the action and but for want thereof the said Thomas Goddard is committed into the Custody of the Sheriff of Somerset County there to remain until the said Sheriff present herein Court took charge of the said Thomas Goddard accordingly and afterwards in the same Court came a certain John Caldwell and Alexander Adams of Somerset County Gent^l and undertakes for the said Thomas Goddard that in case the said Joseph should recover Judgment in the plea and against the said Thomas Goddard or that the said Thomas Goddard shall be there in Convict that then he the said Thomas Goddard shall pay the Condemnation of the Court thereupon or Render his body to the Custody of the Sheriff of Somerset County in Satisfaction thereof or that they the same John Caldwell and Alexander Adams will do it for him &c. thereupon the said Thomas Goddard is discharged from out of Custody &c.

Whereupon the said Thomas Goddard in his own proper person comes and defends the force and injury whereof and says that he cannot gain say the said his action and so as against him brought nor can he say but that the said Joseph ought to recover his Damages by Occasion of the Non-performance of the promise and assumption and to six hundred and two pounds of tobacco and Costs of Suit against him which of said Joseph do he not gain say &c.

Therefore it is considered by the Justices here the twenty first day of June and Dowd one thousand Seven hundred and twenty Six that the said Joseph M. Carter Recover ag. the said Tho. Goddard as well the Sum of six hundred and two pounds of tobacco his Damages and in form of Satisfaction as also the Sum of three hundred and fifteen pounds of tobacco by the Court here adjudged unto him for his Costs and Charges by him about his Suit in this behalf Said but and expensed with Stay of Execution of both of November next and of the said Joseph M. Carter &c.

315