

And the said Merrick Ellis Esq. as by George Dashwood his attorney Cometh and defendeth the force and Injury when he doth and prayeth Leave to Imparte here unto until the Next Court and he hath it as the Same Day is given to the said Esq. also ---

At which Said Next Court to wit the twenty first day of June anno Dowd One thousand Seven hundred and twenty five came again as well the said Esq. as the said Esq. by their attorney's Esq. and the Same Esq. says that he cannot gain say the action Esq. against him brought nor can he say but that the said John did assume and faithfully promise in his Life time in manner and form as the Esq. Esq. against him hath Complain'd, nor can he say but that the said Esq. ought to Recover his Damages by reason of the Nonperformance of the Promise and assumption Esq. to Eight pounds Curr. money, and Costs of Suite which the said Esq. doth not gain say ---

Therefore it is Considered by the Justice here the Same day and year last mentioned that the said Esq. Recover against the said Merrick Ellis Esq. of the Same In Barrenish as well the Sum of Eight pounds Curr. money his Damages Esq. in form Esq. Confessed as also the Sum of two hundred and fifty Eight --- pounds of Tob. for his Costs and Charges by him about his Suite in that Part Expended, the Same Esq. by the Court here of his Esq. and judged to be Seized of the good and Chattels which were of the said John Bannister at the time of his death in the hands of the Same Merrick to be administered, if so much thereof in his hands he hath Esq. and if so much in his hands he hath not then the Esq. Esq. to be Seized of the proper goods and Chattels of the said Merrick Ellis, and the said Esq. in Mary

Esq. Joseph M^r Chester } Somerset. William Falvert Esq. of Somerset County Blawler was attached
Esq. } to answer unto Joseph M^r Chester of a plea of Trespass upon the Case of
Wm Falvert --- } And where upon the Same Joseph by Jemmi Gale his attorney Complain'd
that whereas the said William the ten the day of Novemb. anno Dowd. One thousand Seven hundred and twenty five at Somerset County Esq. within the Jurisdiction of this Court was Indebted to the Same Joseph in the Sum of Nine hundred and Six pounds of Tob. as by and here with in Court produced may appear and so thereof being Indebted the said William in Consideration thereof afterwards to wit the Same day and year Esq. at the County Esq. within the Esq. Jurisdiction upon him self assumed to the Same Joseph then and there faithfully promised that he when afterwards he should be there to Requested he the said Sum of Nine hundred and Six pounds of Tob. to the Same Joseph would well & faithfully Content and pay Nevertheless the Same William his promise and assumption Esq. in form Esq. made Suite regarding and plotting and fraudulently Intending the said Joseph in that Part Rashly and Subtly to deceive and defraud he the said Sum of Nine hundred and Six pounds, or any part thereof to the Same Joseph altho afterwards to wit the Same day and year Esq. at the County Esq. within Esq. Jurisdiction was there to Requested hath not paid or him for it in any wise Contented but the Same William the Same hitherto to do hath altogether refused and still doth ^{Refuse} to the Damage of the Same Joseph Eighteen hundred and twelve pounds of Tob. and thereof he brings this Suite of
J Gale Esq. Duob. Eldges Esq. Juddes Esq. Roe ---