

August ... Court ... 1726 ... 163

four hundred and fifty seven pounds of tobacco to the same Joseph would well and faithfully content and pay never the less the said Francis in promise and assumption as made little regard- ing and plotting and fraudulently intending the same Joseph in that part craftily and sublimely to defraud and deceive he the said sum of four hundred and fifty seven pounds of tobacco or any part thereof to the same Joseph altho the said Francis afterwards to witt the same day and year as last mentioned and often afterwards at Somerset County within the jurisdiction as by the same Joseph was requested hath not paid or him for it in anywise contented but he the said Francis the same hitherto, to do hath altogether refused and still doth refuse whereby the same Joseph says he is worse and hath damage to the value of three thousand pounds of tobacco and therefore brings this suite &c. & hath pledged &c. to doe K Roe

1722	Francis Timmons	.....	21
	To Levy at	.....	121
	To amts. at suite Dashed	.....	30
1723	To Levy at	.....	140
	To Execution fees at Court well	.....	10
1724	To Levy at	.....	89
	To Interest at 8%	.....	67
			<u>457</u>

Algebra ----- 20
 Bats. Due ----- 457
 Errors Excepted of Joseph McCarter -----

And the said Francis Timmons in his own proper person comes and defends the force and injury when &c. and says that he cannot gain say but that he did promise and upon himself assume in manner and form as the said Joseph by declaring as above supposed, nor can he say but that the said Joseph ought to recover his damages by reason of the Non performance of the promise and assumption as to four hundred and fifty seven pounds of tobacco and costs of suite against him which the said Joseph doth not gain say &c.

Therefore it is considered by the Justice here the Sixteenth day of August and Dow. One thousand Seven hundred and twenty six as that the said Joseph McCarter Recover against the said Francis Timmons as well the sum of four hundred and fifty seven pounds of tobacco his damages as in form as conferred as also the sum of Two hundred and Ninety ... pounds of tobacco for his costs and charges by him about his suite in that part Expended to the same day by the Court here of his apent adjudged and the said Joseph in Mercy &c. and whereupon the said Joseph freely here in Court remitteth to the said Francis Timmons three hundred and sixty four pounds of tobacco out of the damages as &c. therefore the same Joseph of the same three hundred and sixty four pounds of tobacco be acquitted &c.

John Harper }
 Catherine Dial } This being an action of trespass upon the Case &c. wherein the Sherd. of Somers-
 ersett County to whom the writ in the same action was directed makes return thereof
 Endorsed by J. Copey for Francis Allen Sherd. whereupon the said Catherine Dial