

August Court for 1726 166

Seven hundred and twenty six that the said Mary Martin Esq of the Same Robert Martin Recover against the said Jacob Bouch as well the Sum of Eleven hundred and thirty four pounds of tob^o her Debt as also the Sum of Two hundred & Twenty four ——— pounds of tobaco for her

(24) Damages which she Sustained as well by Covation of the Detaining the same Debt as for her Costs and Charges by her about her Suite in that part Expended by to the same Mary by the Court here of her apent adjudged and the said Defⁿ in Mercy &c

El^d Thomas Fletcher } Somerset^{sh}. William Popper late of Somerset County Glanster was attached
Wm. Popper } to answer unto Thomas Fletcher of a plea of trespass upon the case ———
and where upon the said Thomas by Levin Gale his atty Genl came at whereas
the said W^m the twentieth day of aug^t and did one thousand Seven hundred & twenty five at Somersett County within the Jur^{is} of this Court was Indebted unto the said Thomas in the Sum of two thousand Seven hundred & forty four pounds of tob^o as by l^{et} herewithin Court produced may appear & there being Indebted to the same W^m in Consideration thereof afterwards to witt the same day & year afo^r at d^y County afo^r within the afo^r Jur^{is} upon himselfe assumed to the same Thomas then & there faithfully promised that he when afterwards he should be there to request the said Sum of two thousand Seven hundred & forty four pounds of tob^o to the same Thomas would well & faithfully Content & pay — never the less the said W^m his promise & assumption afo^r in form in form afo^r made & still regarding but plotting & fraudulently Intending the said Thomas in that part to Defraud & Deceive he the said W^m the said Sum of two thousand Seven hundred & forty four pounds of tob^o or any part thereof to the same Thomas (altho^{ugh} afterwards to witt the same day & year afo^r at the form by afo^r within d^y afo^r Jur^{is} he was there to request) he hath not paid nor the same W^m for it in any wise Contented but the same W^m hitherto to do hath altogether refused and still doth Refuse to d^y Damage of the same Sho^o of five thousand four hundred and eighty eight pounds of tob^o and thereof he brings this Suite &c
Shale of Quod plades & Doe k^o Hoe

And the said William Popper in his own proper person Cometh and defendeth the same and Injury which he and says that he cannot gainsay but that he did upon himselfe assume in manner and form as the said Thomas above against him hath declared, ^{and he says} not but that the said Thomas ought to recover his Damages by Covation of premises afo^r to two thousand Seven hundred and forty four p^o of tob^o and Costs of Suite against him which the said p^lth doth not gainsay —

Therefore it is Considered by the Justices here the nineteenth day of August One thousand Seven hundred and twenty six afo^r that the said Thomas Fletcher Recover against the said William Popper as well the Sum of two thousand Seven hundred and forty four pounds of tob^o his Damages afo^r in form afo^r Confesed as also the Sum of Three hundred & Seven ——— pounds of tob^o by the said Costs and Charges by him about his Suite in that part Expended to the same Thomas by the Court here of his apent adjudged and the said Defⁿ in Mercy &c