

August Court - - - - - 1726. - - - - - 1755 - - - - -  
 According to his promise & assumption of duty to <sup>the</sup> Thomas of. of Tobacco he shall not pay but I came to  
 pay he shall refused & still doth refuse to the damage of the same Thomas sixteen hundred & sixty  
 eight pounds of tobacco and thereof he brings suite & - - - - -  
 Benjamin Fosque - - - - - Dr  
 To + Debit at 201 - - - - - 201  
 To + Debit at 138 - - - - - 138  
 To + Debit at 204 - - - - - 204  
 To + Debit at 543 of tobacco at 80 ct - - - - - 291  
 834  
 Saving Prov. Fine Tho. Dashiell  
 July the 30. 1726 - - - - -

And the said Benj. Fosque in his own proper person Cometh & defendeth the the force of inju-  
 ry when he. - and says that he cannot gain say the Plea his action and nor but that he  
 did assume upon himself in manner & form as if. of Plea above against him. Declined nor  
 can he say but that the said Plea ought to recover his Damages by reason of d. non perfor-  
 mance of the promise & assumption of to eight hundred thirty four pd. of tobacco and costs of  
 Suite ag. him which the said Plea doth not gain say - Therefore it is Considered  
 by the Justice here the sixteenth day of August and doth owe towards seven hundred  
 and twenty six that the said Thomas Dashiell recover against d. of Benj. Fosque as well  
 the sum of eight hundred thirty four pd. of tobacco his damages and by him above in his dect.  
 of supposed as also d. sum of two hundred & fifteen  
 pounds of tobacco for his costs & charges by him about his Suite in that part expended to d.  
 same Thomas by the Court here of his about as judged and if. of Dashiell in every d.

Ed James West  
 Andrew Rathbourn }  
 William was given to the Sheriff of Somerset County that he should take  
 Andrew Rathbourn late of Somerset County planter if he should be found in his  
 Bail with & him should safe keep so that he might have his body before d. Justice of  
 his Lordships County Court of Somerset to be held at Dividing Creek the third Tuesday of August  
 then next to answer unto James West of a plea of trespass upon d. case & that thereof he should  
 not fail & - At which said third Tuesday of August to wit d. sixteenth day of  
 the same month and doth owe towards seven hundred & twenty six being d. day of the  
 return of d. with Cometh d. James West by Geo. Dashiell his atty & the Sheriff of Somerset  
 County to whom therefore going with was Directed likewise Cometh & maketh return thereof to  
 the Court here endorsed in these words to wit: Geo. Dashiell & Francis Allen Sheriff

Whereupon the said Andrew Rathbourn in his proper person appears and thereupon the said  
 Andrew Rathbourn at the prayer of the p[er]t attorney and is adjudged to give Special Bail to the  
 action and thereupon a certain John Crooke of Somerset County Sheriff present here in Court under-  
 takes for the said Andrew Rathbourn that if in law the said James West shall recover Judgment  
 in the plea and against the said Andrew Rathbourn or that the said Andrew Rathbourn shall  
 be