

Novemb. Court --- 1726 --- 192

the Eight Day of December One thousand seven hundred and twenty five at Somerset County and within the Jurisdiction of this Court was Indebted unto the said Andrew in three pounds Eight Shillings and Nine pence Lawfull money of America as by auct^r. herunto annexed may in Court appear and being so thereof Indebted the said James in consideration thereof the day and year afo^r at the place afo^r upon himselfe did assume and to the said Andrew did then and there faithfully promise that he the said James the said three pounds Eight Shillings and nine pence to the said Andrew when he should be thereunto Requested he would well and faithfully pay and Content, nevertheless the said James his promise and assumption afo^r in form afo^r made nothing regarding but plotting and fraudulently Intending the said And^r. in that part craftily and Subtly to deceive and defraud the afo^r thereunto Requested the said three pounds Eight Shillings and nine pence to the said Andrew hath not paid but the same to him hitherto to pay hath refused and still doth refuse and deny to the Damage of the said Andrew of Six pounds Seventeen Shillings and Six pence money afo^r and thereupon he brings Suite per *John Gledhill* de^o *the Do^r. R. Roe*

1725th
Decemb: 7th

James Scott	
To Cash paid Cap ^t Harrison	£ 2. 6. 8
To Sundry amounting too	1. 2. 1
Errors Excepted	<u>3. 8. 9</u>

the And^r. Scott.

June 20th: 1726.

June 24th: 1726. Groved in Open Court the Oath of And^r Scott

Thomas Hayward Esq.

And the afo^r James Scott by George Dashed his attorney Cometh and defendeth the force and Injury when afo^r and prays Leave thereof. to Imparle herunto untill the next Court and he hath it and the same day is given there afo^r Elph. here also -

At which said Next Court to witt the twenty first day of June afo^r Dow. One thousand seven hundred and twenty six came again as well the afo^r And^r Scott, as the afo^r James Scott by their attorneys afo^r, and the afo^r attorney of the afo^r James says, that he is not informed by the said James his afo^r, of any answer for the same James, to the afo^r Andrew in the plea afo^r to be given, and nothing else thereof say by which the same p^lth remain against the afo^r D^oth thereof undepended - wherefore the afo^r Elph his damages by Omission of the non performance of the promise and assumption afo^r against the afo^r D^oth ought to recover, whereupon at the prayer of the afo^r Andrew Scott and by the consent of the same James Scott the Justice here according to act of assembly in such case made and provided do afo^r the damages of the same p^lth. by reason of the non performance of the promise and assumption afo^r besides his costs and charges by him about his Suite in that part expended to three pounds Eight Shillings and Nine pence - Court money. Therefore it is considered by the Court here the fifteenth day of June -