

March Court . . . 1726 . . . 231

A Copy of the foregoing Debit and Acknowledgements made & sent to be served on the said Giles
Barshaw with the Writ in the Plea and Fee

All which said third Tuesday of March to wit the twenty first day of the
same month anno Domini thousand seven hundred & twenty six being the day
of the return of the said Writ Cometh and Joseph M^r Lester by his atty and
the Sher of Somersett County to whom the foregoing Writ was Directed like-
wise Cometh and Maketh Return thereof to the Court here Endorsed in these
words vizt — Copy Copy Debit delivered in time of me Fran. Allen Sher

Whereupon the said Giles Barshaw by George Darke his atty Cometh and defend-
eth the force and Injury which he and saith nothing in bar or avoidance of the action and
of the said Joseph M^r Lester by which the same Joseph Remaneth against said Giles
thereof undefended — Wherefore the said Joseph his Damages by Breach of the
non performance of the promise and assumption and against the said Giles ought to
Recover &c. whereupon at the prayer of the same Joseph and by the Consent of the
said Giles the Justices here according to act of Assembly in such Case made and pro-
vided did assess the Damages of the same Joseph by Breach of the non performance
of the Promise and assumption and besides his Costs and Charges by him about his Suit
in that Part Expended to Six hundred and two pounds of Tobacco

Therefore it is considered that the said Joseph M^r Lester Recover against
the said Giles Barshaw as well the sum of Six hundred and two pounds of Tobacco his Damages
and by the Justices and in form and assessed as also the sum of Two hundred & Sixty four
264. — pounds of Tobacco by for his Costs and Charges by him about his Suit in that part
Expended by to the same Joseph by the Court here of his assent adjudged and said Defts
in mercy &c

The same Command was given to the Sher of Somersett County that he should
John Phillips. — John Phillips late of Somersett County planter if he should be
found in his Bailiwick and him should safe keep so that he might have
his Body before the Justices of his Lordship's County Court of Somersett to be held at
Dorchester the third Tuesday of March then next to answer unto Sir Joseph M^r Lester of
aplea of trespass upon the Case &c and that thereof he should not fail &c —
Somerset p: John Phillips late of Somersett County planter was attached to answer
unto Joseph M^r Lester of aplea of trespass upon the Case &c —
And whereupon the said Sir: by George Hale his atty Complaind it whereas &c