

June Court . . . 1729 . . . . . 201

that he did assume upon himself in manner and form as the said Patrick above against him hath complained and as to the damage of the same Patrick by him by occasion of the premises in that part charged the same Patrick William Esq and Confessed that the said Patrick has sustained damage by occasion of the premises beyond his costs and charges by him about his suit in that part charged to Nine pounds fifteen Shillings and five pence half Penny Court money and not more and because the said Patrick denies not this but the same allegation Confessed to be true, Says Judgment and those damages above Confessed together with his costs and charges as to him adjudged &c

Therefore by consent of the parties and it is considered that the said Patrick Symonds Recover against the said William Dulany his damages as to the said Nine pounds fifteen Shillings and five pence half penny Court money by the same William in form as Confessed as also two hundred and sixteen . . . pounds of tobacco for his costs and charges to the same Patrick at his request by the Court here and of the consent of the parties and adjudged which certain damage in the whole do amount to Nine pounds fifteen Shillings and five pence half Penny and Two hundred & sixteen . . . pounds of tobacco and of the said Court in Mercy &c

Ed. Henry Fitzwater } Somerset County Esq.

Joseph Maffester late of Somerset County Gent

Joseph Maffester - - I was attached to answer unto Henry Fitzwater Esq plea of the cap upon the said Henry and whereupon the same Henry by George Dashiell his attorney Complains that whereas the same Joseph Maffester the tenth day of November One thousand seven hundred and twenty seven at Stegney parish in Somerset County and within the jurisdiction of this Court was indebted unto the same Henry in the sum of two thousand five hundred <sup>and fifty</sup> pounds of tobacco as by a note under the hand of the same Joseph may appear and the same Joseph being indebted as aforesaid, in consideration and at the time and place aforesaid upon himself assume and promise that the said sum of two thousand five hundred <sup>fifty</sup> pounds of tobacco he would well and truly content and pay when he should be thereunto requested, nevertheless the same Joseph his promise and assumption as aforesaid made little regarding but plotting and fraudulently intending him the said Henry to deceive, the said sum of two thousand five hundred <sup>and fifty</sup> pounds of tobacco he hath not paid but the same to pay hath denied and thereby done damage to the said Henry of five thousand pounds of tobacco and thereof brings this suit. Dashiell Esq. Esq. Esq. Esq. Esq. Esq.

And the said Joseph Maffester by Leon Gale his attorney Comes and defends the force of the said Henry's plea and says that he cannot gainsay the action as of the said Henry, nor but that he did assume upon himself in manner and form as the said Henry above against him hath complained and as to the damage of the same Henry, by him by occasion of the premises in that part sustained the same Joseph says and Confessed that the said Henry has sustained damages by occasion of the premises besides his costs and charges by him about his suit in that part charged to two thousand five hundred <sup>fifty</sup> pounds of tobacco and not more, and because the said Henry denies not this but the same allegation Confessed to be true Says Judgment and those damages above Confessed together with those costs and charges as to him adjudged &c Therefore it is considered by consent of the parties and that the said Henry Fitzwater recover against the said Joseph Maffester his damages as to the said two thousand five hundred <sup>fifty</sup> pounds of tobacco by