

Aug<sup>h</sup> Court . . . 1729 . . . 211

Somerset County there to remain. Thereupon the said Francis Mercer prays that the said Shilij Taylor to his declaration and may answer, whereupon the said Shilij Taylor hath day until next Court to him given by the Court here to answer unto the said Francis Mercer in the plea and do

At which said next Court to wit the nineteenth day of August and Dow. One thousand seven hundred and Twenty Nine came again the said Francis Mercer by his attorney and the same Shilij at the same day being solemnly called to answer he hath not nor says nothing in Barr or Exclusion of the action and of the said Francis by which the same Francis Remaineth against the said Shilij therefore and do

Wherefore the said Francis his damages by reason of the non performance of the promise and a punishment against the said Shilij ought to recover. Whereupon at the prayer of the same Francis the Justices here do Order the damages of the same Francis by reason of the promise and a punishment besides his Costs and Charges by him about his Suit in that part agreed to Eight pounds five shillings and a half penny Court money.

Therefore it is Considered that the said Francis Mercer Recover against the said Shilij Taylor his damages and to Eight pounds five shillings and a half Penny Court money by the Justices here in former assizes as also ~~two~~ hundred and ~~thirty~~ ~~five~~ ~~pence~~ ~~and~~ ~~two~~ ~~pence~~ ~~and~~ ~~two~~ ~~pence~~ for his Costs and Charges to the same Francis by the Court here at his request adjudged and the said Shilij Taylor do afterwards the said Shilij Taylor being present here in Court is at the prayer of the said Francis Mercer by his attorney committed into the Custody of the Sher. of Somerset County there to remain until the said Francis Mercer of his damages and Costs and should be fully satisfied. The said Sher. to wit for Sumner Gent. Present here in Court took Charge of the said Shilij Taylor accordingly.

At Francis Mercer Somerset. William Whittington late of Somerset County Gent. was attached to answer unto Francis Mercer of plea of the said case. And whereupon of Francis Mercer by Francis Allen his attorney complains it whereas of said William of the fifth day of October Anno Domini Seventeen Hundred and twenty Eight at Southwell in the County of Lincoln was indebted unto of said Francis Mercer in twenty six pounds Eight Shillings and Nine pence Court money of Maryland it being as well for Credit given as for sundry Goods wares and Merchandizes by said Francis Mercer to the said William at of Special Instance and request of of said William before that time sold and delivered as by act then unto annexed may appear in Court and being so thereof indebted of said William in consideration thereof of day of year and at of Court and upon himselfe did assume to of Francis Mercer though there faithfull did promise that he of said William of said twenty six pounds Eight Shillings and Nine pence to of Francis Mercer when thereunto afterwards he should be requested he would well and faithfully paye content and satisfy of said Francis of of said twenty six pounds Eight Shillings and Nine pence to of Francis he hath paid and satisfied yett as to residue thereof of said William his promise and assumption and in form and made Nothing regarding but plotting and fraudulently intending of said Francis in that part craftily and subtly to deceive and Defraud of said Francis and this of same to do of said William on of said fifth day of October in of year and of ten after wards at of Court by of said Francis he was thereunto requested hath not paid or to him for of same in any wise contented but of same to him hither to pay or in any sort to Content hath refused and still doth refuse and deny Whereupon he saith he is wove hath Dam. to of value of And thereupon he Brings Suite of Allen Quere Lodges and Doe M Roe