

November Court 1730 45

Donelson or his Order hath not paid and that for want of payment thereof the said Period Bill of Exchange afterwards to wit upon the fourteenth day of April one thousand seven hundred & thirty was at London viz: In Somerset County a/s: within the Jur: of this Court by the order of the same James protested or caused to be protested the first or third Bill of Exchange of the same tenor & date being paid whereof the same George Martin afterwards to wit the tenth day of June one thousand seven hundred & thirty at Somerset County a/s: and within the a/s: Jur: had notice & in consideration thereof and the custom of merchants a/s: upon himself assumed & to the said Donelson then and there faithfully did promise that he when afterwards he should be therunto requested he the a/s: sum of seventy three pounds Sterling unto the same James — Donelson would well and faithfully content and pay nevertheless the same George his promise & assumption a/s: in form a/s: made Little regarding but plotting & fraudulently intending him the said James in craftily and subtilly to defraud and deceive he the said George the a/s: sum of seventy three pounds Sterling or any part thereof to the same James Donelson hath not paid nor him for it in any wise contented altho the same George the same to do afterwards to wit the same day & year a/s: last mentioned at the County a/s: & within the a/s: Jur: was by the same James requested but the said George Martin the same Hebert to do hath altogether refused and still doth refuse where by the same James Donelson says he is worse & hath damage to the value of thirty nine pounds Sterling & thereof he brings suite & Levin Gale for his pledges. Jur: Doe — R. Roe —

At which said third Tuesday of November to wit the seveneenth day of the same month being the day of the return of the said writ cometh the said James Donelson by his attorney aforesaid and the Shd. of Somerset County to whom the foregoing writ was directed Likewise cometh & maketh Return thereto the said James Donelson by his attorney aforesaid prays that forasmuch as he has complied with the Law in order to an attachment he may have judgment against the said George Martin for his damages of (and fifteen pounds Sterling plus allowed by act of assembly with the charges of protest, which in the whole amounts to Eighty four pounds three Shillings and Eight pence Sterling) by way of attachment according to act of assembly &c.

Therefore it is considered by the Court here that the aforesaid James Donelson recover against the aforesaid George Martin Eighty four pounds Sterling three Shillings and Eight pence Sterling money his damages of 900 as also all costs and charges by the said writ laid out and expended about his suit by way of attachment against his goods and Chattle Right & Privileges of the said George Martin according to act of assembly in such case made & provided &c.

And whereupon the same Betty Gale by Levin Gale her attorney complains that whereas the aforesaid Lazarus the tenth day of November seven hundred and twenty eight at Somerset County within the Jurisdiction of this Court was indebted unto the same Betty in the sum of four pounds Eight Shillings and Eight pence half penny current money for divers goods wares and merchandises to him at his Especiall Instance and Request before that time sold and delivered and so thereof being indebted the said Lazarus in consideration thereof afterwards to wit the same day and year aforesaid at the County aforesaid within the aforesaid Jurisdiction upon himself assumed and to the aforesaid Betty Gale then and there faithfully did promise that he when afterwards he should be therunto requested he the aforesaid sum of four pounds Eight Shillings and Eight pence half penny to the same Betty Gale he would well and faithfully content and pay now

Notwithstanding the same Lazarus his promise and assumption aforesaid in form aforesaid made Little regarding but plotting and fraudulently intending her the said Betty Gale in that part craftily and subtilly to defraud & deceive he the aforesaid sum of four pounds Eight Shillings and Eight pence half penny, nor any part thereof to the same Betty Gale hath not paid nor her for the same in any wise contented altho the same Lazarus the same to do afterwards to wit the same day and year a/s: at the County aforesaid & within the a/s: Jurisdiction