

the third Tuesday of June ^{then} next to answer unto the ^{af.} Joshua Caldwell of the ^{af.} said plea & that thereof he should not fail & likewise the said Joshua Caldwell by his attorney ^{af.} complained against the said John Horsey in the plea ^{af.} as followeth ^{af.} viz. — Somerset County ^{af.} John Horsey late of Somerset County planter Executor of the testament of William Horsey late of the same County planter ^{af.} was attached to answer unto Joshua Caldwell late high Sheriff of the same County of a plea of trespass upon the ^{af.} Case

AND whereupon the same Joshua Caldwell by William Beekingham his attorney saith that whereas the said William Horsey in his life time on the first day of January in the Year of our Lord Seventeen hundred and thirty three at Somerset County was indebted unto the said Joshua in the sum of ten thousand nine hundred and two pounds of tobacco being for the like quantity of tobacco by the ^{af.} Joshua Caldwell for the use and service of the said William Horsey there before that time at his special Instance and request laid out and expended as by an account thereof herewith into Court brought may appear and so thereof being indebted the same William Horsey in his life time afterwards to wit the same day and year last mentioned at Somerset County in consideration thereof upon himselfe did assume and to the same Joshua Caldwell then and there faithfully did promise that he the same William Horsey the same ten thousand nine hundred and two pounds of tobacco to the same Joshua Caldwell when thereof afterwards he should be required well and truly would pay and content and altho the ^{af.} William Horsey afterwards in his life time did pay and satisfy unto the ^{af.} Joshua Caldwell Seven thousand Seven hundred and Seventy four pounds of tobacco parcell of the ^{af.} ten thousand nine hundred and two pounds of Tobacco. Nevertheless as to three thousand one hundred and twenty eight pounds of tobacco the residue thereof the ^{af.} William Horsey in his life time and the ^{af.} John Horsey since the death of the said William Horsey the promise and assumption of the ^{af.} William Horsey in his life time so as ^{af.} made nothing regarding but **plott**ing and fraudulently Intending the same Joshua Caldwell in that part craftily and slyly to deceive and defraud the same three thousand one hundred and twenty eight pounds of tobacco or any part thereof to the same Joshua Caldwell have not or hath either of them paid or him for the same in any sort contented altho to do the same the same William Horsey in his life time on the second day of January in the year ^{af.} at the County ^{af.} and the ^{af.} John since the death of the same William Horsey on the first day of November in the Year of our Lord Seventeen hundred and thirty four at the County ^{af.} by the same Joshua Caldwell was required but the same to him to pay the same William Horsey in his life time and the ^{af.} John since the death of the said William Horsey hitherto altogether have refused and the same to him to pay the same John still doth refuse to the damages of the same Joshua Six thousand two hundred and

(fifty c)