

467 against the aforesaid John Horsey member of the aforesaid William Horsey his damages up to the aforesaid three thousand one hundred and twenty eight pounds of tobacco as also all costs and charges by the said Joshua laid out and expended by way of attachment against the goods, Chattels, rights or Credits of the aforesaid William Horsey (at the time of his death remaining to be administered) according to act of assembly in such case made and provided for

Robert Givan } Somerset County  
was attached to answer unto Robert Givan of a plea of trespass upon the case &c. } Andrew Scott late of Somerset County Merchant

And whereupon the said Robert by Robert Senchins Henry his attorney complains that whereas a certain Hugh Scott late of Somerset County Merchant the fiftenth day of March anno: Dom: One thousand Seven hundred thirty & four at Somerset County aforesaid was indebted to the aforesaid Robert in the Sum of two pounds twelve shillings and two pence current money of Maryland and one hundred and Ninety Eight pounds of Tobacco it being the ballance of an acct. for sundry therein properly chargeable (as by the said acct. hereinto Court brought may appear) to the same Hugh at the Special Instance and Request by the same Robert before that time sold & delivered and the same Hugh so thereof being Indebted afterwards to wit the same day and year aforesaid being gone beyond Sea and having left his goods and Effects in the care & Management of the said Andrew as his factor or agent to transact & negotiate his affair and business to & for his use and benefit during such his absence beyond Sea and the said Robert for the speedy recovery of his debt aforesaid justly due and owing as aforesaid was about to attack the said goods and Effects of same Hugh in such manner as the Law directs for the recovering and recovery of the said Sum of two pounds twelve shillings and two pence and one hundred and Ninety Eight pounds of Tobacco the same Andrew in consideration that the said Robert would forbear so attack the said goods and Effects of the said Hugh the same Andrew the day and year aforesaid at Somerset County aforesaid upon himself did assume and to the said Robert then and there faithfully did promise that he the said Andrew the aforesaid Sum of two pounds twelve shillings and two pence current Money of Maryland and One hundred and Ninety Eight pounds of tobacco to the said Robert which he should be thereunto requested he would well & faithfully pay and content Nevertheless the aforesaid Andrew his promise and assumption aforesaid in form aforesaid made nothing regarding but plotting and fraudulently Intending the same Robert in that part craftily and Subtly to deceive and defraud the aforesaid two pounds twelve shillings and two pence and One hundred and Ninety Eight pounds of Tobacco or any part thereof to the same Robert