

March Court . . . . . 1737 . . . . . 256

County Gentleman was attached to answer unto Jacob Logherman of a plea of trespass upon the Case &c.

And whereupon the same Jacob by Charles Goldsborough his attorney Complaines wherefore whereas the afd. Jacob the tenth day of August Anno Domini one thousand seven hundred and thirty seven at Somerset County within the Jurisdiction of this Court accounted with the afd. Joseph of divers sums of tobacco to the same Jacob by the afd. Joseph before that <sup>same</sup> time owing and unpaid and upon their accounting the same Joseph was found in arrear to the same Jacob in eleven hundred and eighty one pounds of tobacco and so in arrear being found the afd. Joseph in consideration thereof afterwards to witt the same day and year at the County afd. assumed upon himself and to the same Jacob then and there faithfully promised that he the same Joseph the afd. eleven hundred and eighty one pounds of tobacco to the same Jacob when thereof afterwards he should be required well and faithfully he would pay and content.

Never theless the afd. Joseph his promise and assumption afd. not minding but Devising and fraudulently Intending the same Jacob in that part craftily and Subtily to deceive and defraud the afd. eleven hundred and eighty one pounds of tobacco or any part thereof to the same Jacob hath not paid altho. to this the same Joseph afterwards the fifteenth day of the same month and year afd. at the County afd. was required but the same to him hitherto to pay altogether refused and as yett refuseth to the damage of the same Jacob of two thousand three hundred and sixty two pounds of tobacco and thereof he brings suit &c. — Pledges G. J. Doe and R. Roe.

And the afd. Joseph Macclester by his attorney afd. comes and defende the force and Injury when &c. and saith that he cannot deny the action afd. of the afd. Jacob Logherman nor can he say but that he did assume upon himself in manner and form as the afd. Jacob above against him hath complained and as to the damage of the same Jacob by him by occasion of the premises in that part sustained the same Joseph saith and acknowledgeth that the afd. Jacob hath sustained damages by occasion of the premises beyond his costs and Charges by him about his suit in that part appoynted to Eleven hundred and eighty one pounds of tobacco and not more and because the