

June Court - - - - - 1737 - - - - - 69

The name of Mr. Tho. Burnell or his assigns fifteen hundred and forty pounds of tobacco at these three different payments (vizt) five hundred pounds of tobacco on the first day of May And Dow seventeen hundred and thirty five five hundred pounds more of the like tobacco on the first day of June And Dow seventeen hundred and thirty six and one five hundred and forty pounds of tobacco on the twenty fifth day of June And Dow seventeen hundred and thirty seven by means whereof and by force of the Statute in that behalf made and provided the said W^m became chargeable to pay to the said Thomas the said Quantity of tobacco according to the tenor of the said note and being so thereof chargeable on consideration thereof afterwards to wit on the said twentieth day of June And Dow seventeen hundred thirty and four at Somerset County aforesaid upon himself did assume and to the same Thomas then and there faithfully promise that he the said W^m the said quantity of fifteen hundred and forty pounds of tobacco according to the tenor of the said note well and faithfully he would pay and content. Nevertheless the said William his promise and assumption aforesaid made nothing regarding but minding and fraudulently intending the said Thomas in that part hastily and subtilly to deceive and defraud the said quantity of fifteen hundred and forty pounds of tobacco according to the tenor of the said note or any part thereof to the said Tho. hath not paid or him for the same in any sort contented but the same or any part thereof to him to pay further to hath refused and still refuse altho the quantity of five hundred pounds of tobacco on the second day of May And Dow seventeen hundred thirty and five at Somerset County aforesaid and also the quantity of other five hundred pounds of tobacco on the second day of June And Dow seventeen hundred thirty and six at the County aforesaid and often afterwards to pay to the said Tho. Burnell the said W^m was required whereupon the said Tho. Burnell says he is damaged three thousand pounds of tobacco and therefore brings suit &c.

Edw. T. D. J. J. J. J.

A copy of the foregoing declaration was made and sent to be served on the said William Wye with the writ of mandamus to sit of assembly in such case provided.

All which day here before the justices of his Lordship's County Court of Somerset at dividing Court came the said Thomas Burnell by his attorney aforesaid and the Sheriff of the same County to wit Joseph M. Foster Gent. at the same day here returned that he had taken the said William Wye whose body he had that day he had ready to answer the said Thomas Burnell of the aforesaid plea as to him it was commanded and likewise that he had served the said William Wye with a copy of the said declaration according to act of assembly