

August Court Anno Domini 1749

As by the said Note manifestly appears by Reason whereof and also by force of the Statute in such Cases late made and Provided the same William Smallwood became Chargeable and Still continues Chargeable with the payment of the said Sum of Eight Hundred and forty Six pounds of Tobacco, so as aforesaid in the same Note mentioned to the said W^m Middleton and the said William Smallwood being so therewith Chargeable in Consideration thereof afterwards to wit the day and year Last mentioned at the County aforesaid upon himself Assumed and to the same William Middleton then and there faithfully Promised that he the said William Smallwood the said Sum of Eight Hundred forty Six pounds of Tobacco as aforesaid in the same Note specified would well and truly Content and Pay when thereunto after he should be Requested and Altho' true it is that the said William Smallwood did pay and Satisfy unto the said William Middleton thirty four pounds of Tobacco Part of the said Sum of Eight Hundred and forty Six pounds of Tobacco, so as aforesaid in the Note aforesaid mentioned yet Nevertheless the said William Smallwood his Promise and Assumption aforesaid in form aforesaid made not in the least Regarding but minding and fraudulently pretending the same William Middleton in this Part Craftily and Subtly to receive and depaid the Sum of Seven Hundred and Eighty Two pounds of Tobacco so as aforesaid being the Remaining part of the Sum of Eight Hundred and forty Six pounds of Tobacco so as aforesaid in the Note aforesaid specified to him the said William Middleton hath not paid or in any sort Contented at this to wit the said W^m Smallwood was on the Sixth day of June in the year of our Lord One Thousand Seven Hundred and forty Eight and often before and since at the County aforesaid by the said William Middleton Requested but the said William Smallwood the said Sum of Seven Hundred and Eighty Two pounds of Tobacco so as aforesaid being the Remaining Part of the said Sum of Eight Hundred and forty Six pounds of Tobacco so as aforesaid to the said William Middleton to pay or in any sort to Content hath altogether Refused and Still doth Refuse to the damage of him the said William Middleton One Thousand Six Hundred and Ninety Two pounds of Tobacco so as aforesaid and therefore Suit is brought and so forth

Plad: 26. John Doe
vs. Rich: Roe

Whereupon at the prayer of the said William Middleton it is ruled that the said W^m Smallwood give Special Bail in the Lea aforesaid and for want thereof the said William Smallwood be sent Prisoner in Court to be committed into the Custody of the Sheriff namely Samuel Hanson Gentleman there to remain until 26th AND the said William Smallwood in as today aforesaid in his proper person comes and defends the force and injury when 26th & says that he cannot deny the action aforesaid of him the said William Middleton nor but that he did assume upon himself in manner and form as the said William Middleton above against him hath complained nor also but that the said W^m Middleton hath sustained Damages by means of not performing the Promise and Assumptions aforesaid to Seven Hundred and Eighty Two pounds of Tobacco as the said William Middleton above in declaring supposes

Whereupon the said William Middleton in his proper person aforesaid prays Judgment and those Damages so acknowledged together with his Costs and Charges by him about his Suit in this part laid out and Expended to him to be adjudged. Therefore it is Condemned by the Court here that the said William Middleton do recover against the said William Smallwood his Damages aforesaid to Seven Hundred and Eighty Two pounds of Tobacco above acknowledged as also the sum of Eighty Two pounds of Tobacco for his Costs and Charges by him about his Suit in that part laid out and Expended on his

Defendant Assent by the Court here adjudged and the said William Smallwood in Obey 26th