

November Court 1736 274

W^{ch}. Samuel Dickson

Somerset County sh. John Dennis Ind. State of Somerset County -
Inholder was attached to answer unto Samuel Dickson of a plea of
John Dennis Ind. trespass upon the Case &c

And whereupon the same Samuel by William Goldborough his attorney complaineth
that whereas the afo^r John after the first day of May in the year of our Lord God seven hundred
and five to wit the twentieth day of March Anno Domini seventeen hundred thirty and four at
Somerset County did draw his certain note in writing called a promissory note with his proper hand
subscribed bearing date the day and year last mentioned and that note unto the same Samuel then
and there did deliver by which said note the same John did promise to pay unto the same Samuel
or order the sum of one thousand five hundred and thirty pounds of good tobacco for value received
and by reason thereof as also by force of the statute in such case lately made and provided the same
John became liable to pay unto the same Samuel the afo^r sum of tobacco according to the Tenor of
of the note afo^r and so being liable the afo^r John in Consideration thereof afterwards to wit the
afo^r twentieth day of March Anno Domini seventeen hundred thirty and four afo^r at Somerset
County afo^r upon himself did assume and unto the same Samuel then and there faithfully did
promise to pay unto him the afo^r sum of tobacco according to the tenor of the note afo^r. Nevertheless
the afo^r John his promise and Assumption afo^r nothing regarding but minding and fraudulently
intending the same Samuel in this part craftily and subtilly to deceive and defraud the afo^r sum
of tobacco or any part thereof unto the same Samuel hath not paid altho' to do the same by the
afo^r Samuel afterwards to wit the tenth day of July Anno Domini seventeen hundred thirty
and six at the County afo^r the afo^r John was required but that unto him hitherto to pay hath
refused and still doth refuse to the damage of the same Samuel three thousand pounds of tobacco
And thereupon he bringeth suit &c

And the afo^r John Dennis Ind. in his own proper person Cometh and defendeth the plea and
Injury when he saith that he cannot give way the action afo^r of the afo^r Samuel nor but
that he did assume upon himself in manner and form as the afo^r Samuel above against
him complained and as to the damage of the same Samuel by him by Omission of the promise
in that part Sustained the same John saith and Confesseth that the afo^r Samuel hath
Sustained Damages by Omission of the promise further than his Costs and Charges by him about
his Suit in that part apposed to one thousand five hundred and thirty pounds of tobacco
and not more And because the afo^r Samuel Demys not this but the same allegation Confesseth
to be true foray Judgment. and those Damages first above Confessed together with those
Costs and Charges afo^r to him to be adjudged &c

Therefore by Consent of the parties afo^r it is Considered that the afo^r Samuel Dickson -
Recover against the afo^r John Dennis Ind. his Damages afo^r to the afo^r One thousand five hundred
and thirty pounds of tobacco by the same John in form afo^r Confessed as also -
Jdr