

November court

1762

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said Made note regarding but minding and fraudulently intending him the said Thomas in that part to deceive and defraud the said sum of eight pounds ten shillings current money aforesaid to the said Thomas hath not paid or him for the same in any sort contented but the same to him to pay bills etc hath refused and still doth refuse altho thereto afterwards to wit the day and year last at the county of and often since by the said Thomas required to the damage of the said Thomas in the sum of twelve pounds current money of Maryland and thereof he brings suits and so forth. In Doe. R. Doe pledges &c.

A copy of the foregoing Declaration was made and sent to be served on the def<sup>t</sup> in order for speedy trial. At which day here came the af<sup>t</sup> Thomas Miller by his Attorney af<sup>t</sup> and the sheriff to wit Ephraim Wilson sheriff of the county of now here returned that he had taken the af<sup>t</sup> Vencher Roberts whose body here at this day he had ready to answer the af<sup>t</sup> Thomas Miller of the af<sup>t</sup> plea as to him it was commanded And further the same sheriff returned that he had served the af<sup>t</sup> Vencher Roberts with a copy of the foregoing dec<sup>t</sup> according to act of assembly in such case provided. Whereupon the said Vencher Roberts by Littleton Dennis his Attorney comes and defendeth the foregoing Injury when he said with that he cannot deny the action af<sup>t</sup> of the af<sup>t</sup> Thomas Miller nor but that he did assume upon himself in manner and form as the af<sup>t</sup> Thomas Miller above against him hath complained and as to the Damage of the same Thomas by him by occasion of the premises in that part sustained the same Vencher Roberts saith and acknowledges that the af<sup>t</sup> Thomas hath sustained Damages by occasion of the premises beyond his costs and charges by him about his suits in that part opposed to eight pounds ten shillings Cur Money and not more and because the af<sup>t</sup> Thomas Miller denies not this but the same allegation grants to be true prays Judgement for these damages above acknowledged together with his costs and charges af<sup>t</sup> to him to be adjudged &c. Therefore by consent of the parties af<sup>t</sup> it is considered that the af<sup>t</sup> Thomas Miller recover against the af<sup>t</sup> Vencher Roberts his Damages af<sup>t</sup> to the af<sup>t</sup> eight pounds ten shillings Cur Money by the af<sup>t</sup> Vencher Roberts in form af<sup>t</sup> acknowledged as also pounds of Tobacco for his costs and charges af<sup>t</sup> to the same Thomas Miller at his request by the court now here of the ap<sup>t</sup> of the parties af<sup>t</sup> adjudged which certain Damages in the whole amount to eight pound ten shillings Cur Money and pounds of Tobacco and the af<sup>t</sup> Vencher in Money &c.

Command was given unto the sheriff of Somerset county that he should take John Records late of Somerset county planter if he should be found in his Bailiwick and him should safe keep so that he might have his body before the justices of his Lordships county courts of some parts to be held at princeps Ann Town the third Tuesday of August Anno Dom<sup>o</sup> One thousand seven hundred sixty and one To answer unto Alexander Stuart of a plea of trespass upon the case and so forth and the same was given to the af<sup>t</sup> Alexander here. At which day here came the af<sup>t</sup> Alexander Stuart by Isaac Polk his Attorney and the sheriff to wit John Dennis now here returned that he had taken the af<sup>t</sup> John Records whose body here at this day he had ready to answer the af<sup>t</sup> Alexander Stuart of the af<sup>t</sup> plea as to him it was commanded Whereupon the said John Records at the prayer of the af<sup>t</sup> Alexander Stuart is adjudged to give special Bail to the action af<sup>t</sup> Thereupon a certain Benjamin Huggins presents here in court in his proper person undertook for the said John Records and assumed upon himself that if it should happen that judgement in the plea af<sup>t</sup> should be rendered for the said Alexander Stuart against the af<sup>t</sup> John Records or that he the said John Records should be therein convicted that then he the said John should pay and satisfy unto the af<sup>t</sup> Alexander the Judgements of the court thereupon or render his body in Execution of such Judgements to the prison of the sheriff of Somerset county af<sup>t</sup> in satisfaction thereof or that he the said Benjamin Huggins will do the same for him &c. And hereupon the said John Records puts in his place Littleton Dennis Gent Attorney at law against Af<sup>t</sup> Alexander Stuart of the af<sup>t</sup> plea And thereupon at the prayer of the parties af<sup>t</sup> day is to them now here given until Next Court