

June Court 1763 (231)

At which day here came the of Jonathan Dalby by George Hayward his Attorney & the Sheriff & his Ephraim Wilson now here returned that he had taken the of John Garlington whose body here at this day he had ready to answer the of Jonathan Dalby of the plea of Rast to him it was commanded & And hereupon the of Jonathan Dalby complained against the of John Garlington in the plea of a form following

Somerset's John Garlington late of Somerset County planter was attached to answer unto Jonathan Dalby of a plea of trespass upon the case &c. & forth And Whereupon the said Jonathan Dalby by George Hayward his Att. complains that whereas the said John the seventeenth Day of February Anno Domini 1751 at the County of by his certain note in writing commonly called a promissory Note with his proper Name thereto subscribed & the said note to the said Jonathan then there did deliver by which note the said John did promise to pay or cause to be paid to the said Jonathan by the Name of Jonathan Dalby the sum of four pounds ten shillings Lawfull Money of Maryland for Value Received by means whereof as also by force of the Statute in such case lately made provided the said John became liable to pay or cause to be paid to the said Jonathan the of sum of four pounds & ten shillings current Money of in the State of mentioned agreeable to the Tenor of the said and so thereof liable being the said John in consideration thereof afterwards to wit the same Day year of at the County of upon himself assumed to the said Jonathan then and there faithfully promised that he the said John the sum of money of in the State of mentioned when he should be thereto required unto the said Jonathan well & faithfully would pay & content Nevertheless the said John his promise & assumption of in form of made like regarding but minding and fraudulently Intending the said Jonathan in this behalf craftily & subtly to deceive and defraud the sum of money of in the Note of mentioned unto the said Jonathan both not paid or him for the same in any sort contented altho the same to do the same John afterwards to wit the same day and year of and after since at the County of by the said Jonathan was required but the same to him to pay hitherto altogether hath refused and still doth refuse unjustly deny where upon the said Jonathan says he is wronged & hath damage to the Value of twenty Pounds current Money of Maryland thereof he brings Suit &c. & forth

Whereupon at the prayer of the of Jonathan Dalby the of John Garlington is adjudged to give special Bail to the action of Hereupon a certain James Hitch present here in Court in his proper person undertook for the said John Garlington and assumed upon himself that if it should happen that Judgment in the plea of should be rendered for the said Jonathan Dalby against the of John Garlington or that he said John should be therein convicted that then he the said John should pay and satisfy unto the of Jonathan Dalby the Judgment of the Court there upon or render his body in Execution of such Judgment to the prison of the Sheriff of the County of in satisfaction thereof that he the said James Hitch will do the same for him &

Whereupon the said John Garlington by William Allen his Attorney comes & defends the force and injury when he saith that he cannot deny the action of of the of Jonathan Dalby nor but that he did assume upon himself in manner & form as the of Jonathan Dalby above against him hath complained and as to the damage of the same Jonathan by him by occasion of the premises in that part sustained the same John Garlington saith and acknowledgeth that the of Jonathan hath sustained damages by occasion of the premises beyond his costs and charges by him about his suit in that part opposed to four pounds ten shillings current Money and not more and because the of Jonathan Dalby deny not this but the same Allegation grants to be true pray Judgment for those damages above acknowledged together with his costs and charges to him to be adjudged &

Therefore by consent of the parties of it is considered that the of Jonathan Dalby recover against the of John Garlington his Damages of to the of four pounds ten shillings current Money by the of John in form of acknowledged as also pounds of Tobacco for his costs and charges of to the same Jonathan Dalby

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