

June Court 1763 261

to be held at princeps Ann Town the third tuesday of March Anno Domini one thousand seven hundred
sixty three to answer unto Elgit Hitch Thomas Stanford of a plea that she render unto them the sum
of one hundred pounds sterling money of Great Britain which to them she owes and unjustly detains &c
and the same day is given to the ass: Elgit Thomas here &c

And hereupon the ass: Elgit Hitch Thomas Stanford declared against the ass: Martha Bird in the plea ass:
in form following

Somerset sh: Martha Bird late of Somerset County Spinster
otherwise called Martha Bird of the same County was summoned to answer unto Elgit Hitch
Thomas Stanford of a plea that she render unto them the sum of one hundred pounds sterling money
of Great Britain which to them she owes and unjustly detains and so forth

And Whereupon the said Elgit and Thomas by William Hayward their Attorney say that
whereas the said Martha the sixteenth day of September in the year of our Lord one thousand seven
hundred sixty and Two at Somerset County ass: by her certain writing obligatory which they said
Elgit Thomas with the seal of the said Martha Sealed here into Court do bring the date whereof
is the same day and year ass: did acknowledge herself to be held and firmly bound unto the said
Elgit and Thomas in the sum of one hundred pounds sterling money of Great Britain to be
paid unto the said Elgit and Thomas when she should by them the said Elgit Thomas be
thereunto afterwards requested yet the said Martha the ass: requested the ass: Sum of One hun
dred pounds sterling money of Great Britain to the said Elgit Thomas hath not rendered but
the same to them hitherto to render hath denied and still doth deny and unjustly detain wherefore
the said Elgit and Thomas say they are worse and have damage to the value of one hundred pounds
sterling money of Great Britain and thereof they bring suit and so forth, perages &c

Copy of the foregoing declaration was made & sent to be served on the defendant in order for spe
dy Tryall

At which day here came the ass: Elgit Hitch Thomas Stanford by their
Attorney ass: and the sheriff to wit Ephraim Wilson now here returned that he had taken the
ass: Martha Bird whose body here at this day he had ready to answer the ass: Elgit Thomas
of the plea ass: as to him it was commanded &c And further the same sheriff returned that
he had served the ass: Martha Bird with a copy of the foregoing declaration according to act
of assembly in such case provided &c

Whereupon at the prayer of the ass: Elgit Hitch
Thomas Stanford the ass: Martha Bird is adjudged to give special Bail to the action aforesaid
Thereupon a certain Richard Waller of Somerset County present here in court in his proper
person undertook for the said Martha Bird and assumed upon himself that if it should happen
that judgement in the plea ass: should be rendered for the said Elgit Hitch Thomas Stanford against
the ass: Martha Bird or that the said Martha should be therein convicted that then she the said
Martha should pay and satisfy unto the ass: Elgit Thomas the judgement of the Court there up
on or render her body in Execution of such judgement to the prison of the sheriff of the county ass:
in satisfaction thereof or that he the said Richard Waller will do the same for her &c

And the ass: Martha Bird by George Hayward her Attorney comes and defend the force and
injury when &c and prays leave thereof to impale here untill next Court to be held at princeps Ann
Town the third tuesday of June her next following she hath it and the same day is given to the ass: Elgit Hitch Thomas
Stanford here also &c

At which day here came the ass: Elgit Hitch Thomas Stanford
as the ass: Martha Bird by their Attorney ass: and hereupon the ass: Martha as before defend the
force and injury when &c and says that she cannot deny the action ass: of the ass: Elgit Hitch and
Thomas Stanford nor but that the writing obligatory ass: is the deed of her the said Martha Bird nor but that
she owes the ass: Elgit Thomas the ass: one hundred pounds sterling money in manner & form as the ass: Elgit Thomas above
against her have declared. Therefore it is considered that the ass: Elgit Hitch Thomas Stanford recover against
the ass: Martha Bird their debt ass: and their damages by occasion of the detention of that same Debt to
pounds of tobacco to the same Elgit Thomas of their

assent by the court here adjudged &c the ass: Martha in Mercy