Roberts may give bayle to pay cost if non suited Ordered that the Pd Roberts doe give bayle to pay Costs if the said Peter Mercy obtaine a non Suite against the Pd Robert Roberts Whereupon Daniel Pearce becomes bayle & doth undertake for ye Pd Robert ye payment of all Costs if the Pd Robert shall be non suited & pay not ye Costs a fd

And ye Pd Pltff by Christopher Philipson his Attly moved the Court that the Said Peter Mercy may give Ipsor Bayle to ye Pd Action of Trespass ye Pd Robert Roberts Ordered by ye Court here that the Said Peter Mercy the Deft give Ipsor Bayle to ye Said Action a fd against him — after wch Andrew Hamilton of Pd County here in Court cometh & becometh bayle & doth undertake for ye Pd Peter Mercy ye payment of the Damages & Costs if it shall happen that the Pd Robert shall obtaine Judgement against ye Pd Deft in ye Pd Action of Trespass upon the Case & the Said Peter the Condemnation shall not satisfie nor himselfe to the Custody of the Shery of Pd County deliver or that the Pd Andrew ye Body of ye Pd Peter shall not render &c

After wch the Pd Deft in his proper person appeared & prayed liberty thereof to imparle untill next Court wch was to him granted ye Same day was given the Pltff also

All wch Said next Court Viz the Twenty Seaventh day of Jandy in the yeare afd the Same Court was adjourned untill the then next ensueing Court in Course

All wch Said next Court Viz the Twenty third day of March in the Seaventh yeare of the Pd Majesties Reigne the Pd Cause was Continued untill the then next Court

All wch Pd next Court Viz the Twenty Second day of June in the Same yeare of the Said Majesties Reigne Anno Dom 1708 ye Pd Cause was Continued untill the then next Court

All wch Pd next Court Viz this Twenty Sixth day of August in the yeare afd the Pd Cause standing for Tryal came the Pd Pltff by his Pd Attly and the Deft by Thomas Bowne his Attly and the Pd Pltff by Christopher Philipson his Attly declare Viz —

Kent County in Maryland ss — Peter Mercy of Kent County afd Planter was attached to answer unto Robert Roberts late of Pd County Gent of a plea of Trespass upon the Case &c — And thereupon ye Pd Robert by Christopher Philipson his Attly Complaines for that whereas ye afd Peter the Nineteenth day of June Anno Dom 1706 at Kent County afd within ye Jurisdiction of this Court In consideration ye ye afd Robert had at ye Speci Instance and request of him ye Pd Peter bought the Pd for & Justly Contented ye Pd Peter for one yearling Colt Did upon himselfe assume & unto ye Pd Robert ye then & there faithfully promise that he the Pd Peter one yearling Colt ye Fall then next following or Winter Season would well & truly unto ye Pd Robert actually deliver and also a Lawfull Bill of Sale formly drawn & executed by the Pd Peter unto ye Pd Robert & his assigns for the Same Nevertheless ye afd Peter his promise and assumption afd for ye Consideration afd made not regarding but Contriving & fraudulently Intending him ye Pd Robert in ye behalfe Craftily & Subtilely to deceive & defraud ye afd Yearling Colt unto ye Pd Robert he hath not delivered altho upon ye 8th day of June 1707 & ever Since at Kent County within ye Jurisdiction of this Court he hath been by the Pd Robert thereunto required but ye Same to him to deliver hath denyed and as yet doth deny & gainsay Whereupon he Saith he is worse & hath damage to the value of One thousand pounds of Tobacco and of this he brings Suit &c: Philipson pro Quer Pledg &c: John Doe Rich Roe — And prays that the Deft afd to this Declaration may Answer — — And the afd Defendant by Thomas Bowne his Attly comes and defends the Force and Injury when &c: And for plea Saith

that