

November Court 1719

Robert Cunningham
Charles Stewart

This being an action of Trespass on the
Case commenced by the Plt against the sd Deft
wherein the Sheriff of Kent County to whom the
writ in the same action was directed makes
return to the Court here on the Third Tuesday in Novemb. to wit the 17th day
of the same month Anno Dom 1719 Edward 6th Cap. 5. p. 1. upon which the
Plt moved at the prayer of the Plt by David Macbride his atty. the
sd Deft is adjudged to give special Baile to the sd Action and that
the sd Sheriff keep the sd Deft in safe Custody until he shall give special
Baile as aforesaid. Edward Holyday of said County Planter present
here in Court undertakes for the said Charles Stewart that in case the
said Robert Cunningham shall recover judgment in the plea aforesaid
the said Charles Stewart or that he the said Charles Stewart shall
be therein convicted that then he the said Charles Stewart shall pay the
condemnation of the Court thereupon or render his Body to the Custody
of the Sheriff of said County in satisfaction of thereof as that he the said
Edward Holyday will do it for him

AND the sd Plt by his atty afo put in a deed in the said action
which is to be in Kent County in Maryland Charles Stewart of Kent
County Esquire was attached to answer unto Robert Cunningham
of a plea of Trespass on the Case AND whereupon the sd Plt by
David Macbride his atty complains that whereas the sd Deft the
twenty ninth day of April in the year of our Lord Christ one thousand
seven hundred and nineteen at ^{St. Pauls Parish} in Kent County
within the jurisdiction of this Court was indebted to the sd Plt in the sum
of five hundred and six pounds of Merchantable Tobacco for diverse
Goods wares and Merchandises at the special Justice and request of
the sd Deft and to the proper use Benefit and behoofe of the sd
Deft before that time sold and delivered and so thereof being indebted
the sd Deft in consideration thereof upon himself assumed and to
the same Plt then and there faithfully promised that he the said
Deft the sd sum of five hundred and six pounds of Merchantable
Tobacco to the same Plt when thereunto afterwards he should be
required would well and truly pay and Content nevertheless the sd
Deft his promise and assumption afo in form afo made in no wise
minding or regarding but plotting and fraudulently intending the said
Plt in his behalfe Casually and subtilly to defraud and deceive the
sd sum of five hundred ^{and six} pounds of Merchantable Tobacco or any
part thereof to the same Plt he hath not paid nor in any wise made
Content for the same AND to do the same by the sd Deft afterwards by the
twenty