

1st. Allen Draper March Court. 1729. 241

This being an action of trespass upon the case & wherein the
Plaintiff of Somerset County is to show the foregoing Writ in & same
the Ind. Smith. Action was directed lower & makes return to Court

Whereupon said Ind. Smith being called appears & thereupon the said Ind.
Smith at y^e prayer of said Allen Draper by Francis Allen his atty is adjuged
to give Special Bail to y^e action ad. Thereupon a certain W^m Gray of Somerset
County & Claunder Present here in Co^t in his proper person undertakes for the said Ind.
Smith that if in case y^e said Allen Draper shall recover Judgment in y^e plea ad.
against y^e said Ind. Smith or y^e said John Smith should be therein convicted that
then he y^e said Ind. Smith shall pay the condemnation of the Co^t thereupon
or tender his Body to y^e custody of y^e Sheriff of Somerset County in Satisfaction
thereof. he y^e said W^m Gray will do it for him & Whereupon y^e
said Ind. Smith in his own proper person appears & surrenders
till next Court &

1st. Christopher Glap - Somerset County p^r John Bishop Ind^r late of Somerset County planter was
attached to answer unto Christopher Glap of plea of trespass upon the case &

q^d John Bishop - And whereupon the said Christopher by Francis Allen his attorney complains
that whereas the said John the first day of November anno Domini One thousand Seven hundred

and Twenty nine at Somerset County and within the Jurisdiction of this Court was indebted unto the said
Christopher in three hundred Seventy three pounds of tob^o and twenty two Shill^{ings} Curr^{ent} Money for
 sundry Goods wares & Merchandises by y^e said Christopher to y^e said John at y^e Special Instance
request of y^e said Ind. before that time there sold & delivered & being so there of indebted y^e
said Ind. Bishop in consideration thereof the day & year ad at y^e Co^t ad upon himself
did assume unto the said Christopher then there faithfully did promise that he the said Ind.
y^e said three hundred Seventy three p^{ounds} of tob^o & twenty two Shill^{ings} Curr^{ent} Money to y^e said Chris-
topher when thereunto afterwards he should be requested he would well & faithfully pay
Content notwithstanding y^e said Ind. Bishop his promise & assumption ad in form ad made nothing
regarding but Clothing of fraudulent Intending y^e said Christopher in that East Craftily &
Subtly to deceive & defraud y^e said three hundred Seventy three p^{ounds} of tob^o & twenty two
Shill^{ings} Curr^{ent} Money to y^e said Christopher altho y^e same to do the said Ind. Bishop on y^e 1st
first day of Novemb^r in the year ad and often afterwards at y^e Co^t ad by y^e said Christopher
he was thereunto requested hath not paid or to him for the same in anywise contented
but the same to him hitherto to pay or in any sort to output hath refused & still doth
refuse & deny Whereupon he with he is worse & hath Damage to y^e value of five
pounds Curr^{ent} Money of Maryland & thereupon he brings this

Whereupon said Ind. Bishop by George Darwell his atty Pleas and Defends y^e
force and Injury when & And says he cannot gain say y^e action ad of y^e said Christopher
nor but that he did assume upon himself in manner & form ad of Christopher
above against him hath complained par to y^e Damage of y^e said Christopher by him by
Occasion of the Premises in that part sustained the same Ind. Glap & Countersett y^e
thead Christopher had sustained Damage by Occasion of y^e Premises beyond him
Costs & Charges by him about his Suit in that part approved to three hundred Seventy
three pounds of tob^o & twenty two Shill^{ings} Curr^{ent} Money & not more & because y^e said
Christopher denies not this but y^e same Allegation confessed to be true Gray Judgment
& those Damages above Countersett together with his Costs & Charges ad to him adjudged
Therefore it is considered by Consent of the Parties that the said Christopher
Glap recover against y^e said Ind. Bishop three hundred Seventy three p^{ounds} of tob^o and
(twenty)