

March Court 1729 258
Shillings & three pence to the said Moses hath not paid but the same to him hither to pay hath refused & still doth -
refuse & deny to the damage of the sd Moses of three hundred & thirty shilling money ap. And thereat he brings suite &
Francis Allen Esqr. Clerk & v. the Doe Kild Roe

at which said third Tuesday of March to wit the seventeenth day of the same month and Dow. One thousand seven hundred and twenty
nine being the day of the return of the said writ Cometh the said Moses Gaule by his attorney ap. and the Sherr. of Somerset
County to whom the foregoing writ was directed likewise comes and makes return thereto to the Court here endorsed in these words
following vizt - Capitonus of John Burnall Sherr

Whom upon the said Sherr. altho. solemnly called brings not in the body of the said John Burnall according to
the return of his writ in the plea ap. but makes default do.

Thereupon the sd Moses Gaule by his attorney ap. prays that the sd Sherr. to wit John Burnall Gaule may be amerced
for his default ap. the amount thirty eight Shillings and three pence current money of Maryland and all the costs and charges that
might accrue by means of the prosecution of the action ap.

Therefore it is considered by the Court here that the sd Sherr. to wit John Burnall be amerced for his default
aforesaid the sum thirty eight Shillings and three pence current money ^{and} two hundred and five pounds of to be paid by the Court
adjudged for costs and charges awarded on the prosecution of the action ap. &c.

It. Alexander Draper } Somerset County p. John Magloghly late of Somerset County planter was attacked
John Magloghly } to answer unto Alexander Draper of a plea of trespass upon the Case &c.

And whereupon the said Alexander by Francis Allen his attorney Complains that whereas
the said John the fourth day of July and Dow. Seven hundred and twenty Seven at Somerset County aforesaid within
the Jurisdiction of this Court was indebted unto the said Alexander five pounds Eighteen Shillings &
Eight pence current money of Maryland for sundry Goods wares & Merchandises by the sd Alexander to w:
sd John then & there sold & delivered and being so thereof indebted the sd John in consideration thereof
of w: day and year ap. at the County ap. upon himself did assume and to the sd Alexander then & there
faithfully did promise that he the sd John w: sd five pounds Eighteen Shillings & Eight pence to the sd
Alexander when thereunto afterwards he should be requested he would well and faithfully pay and Content
at Nevertheless the ap. John his promise & assumption ap. in form ap. made nothing regarding but plotting &
fraudulently Intending the said Alexander in that sort Craftily & Subtily to deceive and defraud the sd
five pounds Eighteen Shilling & Eight pence to the sd Alexander altho the same to do the sd John on the ap.
fourth day of July in the year ap. and often afterwards at the Court ap. by the sd Alexander he was
thereunto requested hath not paid or to him for the same in any wise Contented but the same to him hither
to to pay in any sort to Content hath refused & still doth refuse & deny whereupon he saith he is & is
last Damage to the value of Eleven pounds current money of Maryland ap. And thereupon he brings suite &
Francis Allen Esqr. Clerk & v. the Doe Kild Roe

And the ap. John Magloghly in his proper person Cometh and defends the force and injury when w: and saith that he cannot
gain say the action ap. of the aforesaid Alexander, nor but that he did assume upon himself in manner and form as the
sd Alexander above against him hath Complained, and as to the damage of the same Alexander by him by reason of
the premises in that part Sustained, the same John says and Confesses that the ap. Alexander has Sustained damages
by reason of the premises further than his costs and charges by him about his suit in that part appeared to five pounds
eighteen Shillings and Eight pence current money and not more and because the ap. Alexander does not thin but the
same allegation Confesseth to be true prays Judgment and those damages above Confessed together with his costs &
charges