

June Court 1732 — — — 100

At which said third wednesday of June to wit the fifteenth day of the same month and Dowd One thousand Seven hundred thirty One being the day of the return of the said writ Cometh the said writ returnable the 15th of Somerset County to whom the foregoing writ was directed and makes Return thereof to the Court here Endorsed vid.

Summoned of John Bunnell Esq

Now heard this day to wit the same day and Year Last mentioned came here into Court as well the aforesaid petitioner as the aforesaid Joseph Venables, and the said petition being againe Read and heard, and the severall allegations as well on the part of the said Petitioner as on the part of the said Joseph Venables being fully understood and mature deliberation thereupon had &c

Wherefore it is Considered by the Justice here that the aforesaid James Caldwell be future Guardian to the aforesaid James Gibbons and John Gibbons Orphans as is according to a former order of Court &c and also that the aforesaid Joseph Venables deliver up unto the said James Caldwell all the Estate of the said James Gibbons and John Gibbons that he hath in his hands both Reale and personall and which of right doth belong, as by the petition is said &c.

Whereupon the said Joseph Venables present here in Court prays an appeal from the Judgment of this Court in the premises aforesaid, to the Governour and Council according to act of Assembly in such Case made and provided &c which is unto him Granted &c —

James Smith Executor of Archibald Smith — Somerset County Esq. Joseph Muffester Late of Somerset County Esq. was attached to answer unto James Smith Executor of the Last Will and Testament of Archibald Smith late of Lewis Town in the County Sussex upon Delaware month deceased &c of plea of the said upon the Case &c. —

And whereupon the said James by Francis Allen his attorney complains that whereas the said Joseph the Seventeenth day of February and Dowd One thousand Seven hundred and twenty five Six of Somerset County afo within the Jurisdiction of this Court was Indebted unto the said Archibald in his Life time in twenty three pounds curr^t money Maryland it being as well for one saddle by the said Archibald to the said Joseph before that time at the Speciall Instance and Request of the said Joseph before that time there sold and Delivered as for money by the said Archibald at the like Speciall Instance and Request of the said Joseph before that time for him the said Joseph Departed and paid as by Account there of hereunto Annexed may in Court appear and being otherwise Indebted the said Joseph, Consideration thereof the day and year afo at the County aforesaid within the Jurisdiction aforesaid upon himselfe did a pume and to the said Archibald in his Life time then and there did faithfully promise that he the said Joseph the said twenty three pounds to the said Archibald when he should be thereunto Requested he would well and faithfully pay and content and altho the said Joseph fourteen Shillings and three pence full of the afo twenty three pounds to the said Archibald Smith in his Life time he hath paid and satisfied yett as to twenty ~~the~~ pounds six Shillings and Nine pence residue of the aforesaid twenty three pounds the said Joseph his promise and assumption aforesaid in forme aforesaid Made Nothing Regarding But plotting and fraudulently Intending the said Archibald in his Life time and the said James (Since)