

August Court 1730 12

and the said William Callin by Lewis Gale his attorney comes and defends the force and Injury when he and says that he is not guilty of the trespass and assault above upon him Imposed in manner and form as the gift above against him hath Complaind and of this he puts himself upon the Country &c. and so self likewise &c.

Therupon Command was given to the Just. of Somerset County that immediately he cause to come here twelve &c. by whom &c. who neither &c. to Recognize &c. because as well &c. of which said Brenght the said Just. to wit John Small Gent^m. Now heret to wit the Eighteenth day of August one thousand seven hundred and thirty Comy and makes return that he hath heretady twelve &c. as by his said forecight was Commanded and now heretady: words to wit the same day and year Comy as well the said self as the said Just. by their attorneys &c. and the Jurors of that Jury theroni Impannelled being called likewise Comy to wit: William Gladly, John Townsend Junr. Wm. Emis, John Marry, Robert Mitchell, Wm. Calaboun, Thomas Hearn, Walter Darby, John Gray Junr. George Banton - James Jones William Miles who being duly called byed and sworn to say the truth in the premises upon their Oath do say that the aforesaid William Callin is not guilty of the trespass and assault as the said William Smith above against him hath Complaind &c.

Therefore it is Considered that the aforesaid William Smith take Nothing by his writ and declaration aforesaid but be in mercy for his false Comon and that the said William Callin have heretady without day, and further it is Considered by the Just. that the aforesaid William Callin Recover against the said William Smith One thousand three hundred & fifty pounds of the same for his costs and Charges by him about his defense in that part sustained to the same Wm. Callin by the Just. heretady according to the form of the Statute in such Case lately made and provided of his aforesaid Just. and that the said Wm. Callin have heretady Execution &c.

1350

J. Gale Med^m. Betty Gale } Somerset Co: William Whittington Sale of Somerset County Gentleman also Dutty

Wm. Whittington was Sumoned to answer unto Mad^m. Betty Gale of a plea that he owes her thirty pounds Currant money of Maryland which he has not paid and unjustly detains &c.

And whereupon the said Betty by Lewis Gale her attorney saith that whereas the said William the seventh day of January and Dowd seven hundred and twenty six seven at Somerset County aforesaid within the Jurisdiction of this Court by his certain Writing Obligatory which the said Betty with the Seal of the said William signed hereto Comy Comy the date whereof is the same day and year aforesaid did acknowledge himself to be bound unto the said Betty in the aforesaid thirty pounds Currant money to be paid unto the said Betty when she should be therunto Required yet the said William the said thirty pounds to the said Betty hath not tendered but the same to her hitherto to Recieve hath denyed and she doth deny and unjustly detain therupon the said Betty says she is worse and hath damage to the value of forty pounds like money and therupon she brings this Suit &c. L Gale for the Pleas &c. J. Doe Kloe

Wherupon it is ordered by the Court heretady that the said William Whittington give of special bail to the action aforesaid, Therupon althom John Dennis Junr. present Justice Comy in his proper person undertakes for the said William Whittington that if in Case the said William Betty Gale shall Recover Judgment against the said Wm. Whittington or that the said William Whittington shall be known Comy that then he the said William Whittington shall pay the Condemnation of the Court or tender his body to the custody of the Just. of Somerset County in satisfaction thereof or that he do so with the said John Dennis Junr. with default for him

And the aforesaid William Whittington by Francis Allen his attorney comes and defends the force and Injury when he and saith that he cannot deny the action aforesaid of the aforesaid Betty Gale, nor Gale say but that the writing Obligatory &c. is the deed of the same William nor but that he owes the same Betty the