

Thomas Hearn of Somerset County Planter present here in Court undertakes for the Said W^m Hearn that in case the Said Thomas Layfield shall Recover Judgment in the Plea of force against the Said W^m Hearn or that the Said W^m Hearn shall be there in Court that then he the Said William Hearn shall pay the Condemnation of the Court thereupon or tender his body to the Custody of the Sher: of Somerset County in Satisfaction thereof or that he the Said Thomas Hearn shall do the Same for him afterwards came the Said W^m Hearn in his proper person and Defends the force and Injury Wherof and Says that he cannot gainsay the action of the aforesaid Thomas Layfield nor can he say but that the Writing obligatory aforesaid is his deed, nor but that he owes the Same Thomas Layfield the aforesaid five thousand Seven hundred and forty four pounds of Tobacco in manner and forme as the aforesaid Thomas Layfield above against him Declared &c. Therefore it is Considered that the aforesaid Thomas Layfield Recover against the aforesaid W^m Hearn his Debt aforesaid and his Damages by occasion of the Deliniquing of the Said Debt to ^{three hundred & twenty one} pounds of tobacco to the Same Thomas Layfield of his Assent by the Court here Adjudged and the aforesaid W^m in Mercy &c.

W^m James Shirley - Memorandum: The said James Shirley by Wilerani Beckingham his attorney sued out his
 John Donelson Esq. Lordships writ against the death the tenor whereof followeth in these words viz
 of Philip Russell - Somerset Charles absolute Lord and proprietor of the province of Maryland and avolon Lord Baron of Baltimore &c. Do the sh^r of Somerset County greeting whereas
 certain John Donelson late of Somerset County Gent lately in our Court (to witt) the Seventeenth day of
 march anno Domini one thousand Seven hundred and ~~thirty~~ ^{thirty} Nine before William
 Planter Esq^r and his associates then Justices of our said Court at Dividing Creek did
 then and there undertake for one Philip Russell that if in case he should be
 convicted in a certain action, in a plea of trespass upon the Case before our said
 Justices in our said Court then and there depending between the Said Philip Russell
 and a certain James Shirley or otherwise Legally left that then he the Said
 Philip Russell should pay the Condemnation of the Court thereupon and all
 Costs accruing thereon to the Said James Shirley or that he the Said John
 Donelson, would do it for him as by the record and proess thereof remaining
 in our said Court before our said Justices at Dividing Creek manifestly appeareth
 and afterwards it was Considered by our Justices of our same Court that the aforesaid
 Philip Russell should take nothing by his writ and Declaration in the plea
 of but that he should be there of in Mercy for his false clamour and that
 the Said James Shirley should go there of without Day and also it was
 Considered -