

one of the Attorneys of the high Court of Chancery and of the Provincial Court within this Province for the Sum of twelve hundred pounds of Tobacco ~~and~~ and that the writing Obligatory ~~and~~ during the Confinement of the said John Videll for that Cause was entered into at the County ~~and~~ for the Ease and Honour of the said John Videll without that that the writing Obligatory ~~and~~ was papered made entered into or accepted by the said Hugh Carter to indemnify and Secure the said John Burnell or the said Hugh Carter from any Damages which they or either of them might Sustain by means of the process Issued out of the High Court of Chancery as ~~and~~ and this he is ready to verify where fore he prays Judgment if the said John Tunstall assignee of the said Hugh Carter his Action ~~and~~ against him to have or maintain ought to be; And the said Thomas as to the second matter above by him in pleading alledged for that he hath therein alledged sufficient Matter in Law to preclude the said John Tunstall assignee as ~~and~~ from having and maintaining his Action ~~and~~ against him which he is ready to verify and which same Matter the same John Tunstall assignee as ~~and~~ hath not gainayed or to the same in any sort hath answered but that Averment to admit altogether hath refused as before prays Judgment and that the said John Tunstall assignee as ~~and~~ from having and maintaining his Action ~~and~~ against him may be precluded;

and the aforesaid John Tunstall assignee of Hugh Carter protesting that the rejoinder ~~and~~ of the said Thomas and the matter therein contained are altogether Insufficient in Law and that he thereto hath no need nor by the Law of the Land is in any sort held to answer for and by way of Surrejoinder Nevertheless to the rejoinder of the said Thomas to the replication of the said John assignee as ~~and~~ as to the first matter by the said Thomas above in barr pleaded the same John Tunstall assignee as ~~and~~ saith that he by any thing the said Thomas above in pleading alledged from having and maintaining his action ~~and~~ against him the said Thomas ought not to be precluded because he says that the Writing Obligatory ~~and~~ was papered made entered into and accepted by the said Hugh Carter to indemnify and Secure the said John Burnell and the said Hugh Carter from any Damage which they or either of them might Sustain by means of the process ~~and~~ Issued out of the high Court of Chancery as ~~and~~ as the same John assignee of the said Hugh above in his Replication ~~and~~ hath set forth and this he prays may be Enquired by the Country and the Deft. in like manner.

Thereupon it is Comanded the Sheriff of Somerset County that Immediately he should cause to come before the Justice of his Lordships County Court of Somerset now sitting at dividing week in the County ~~and~~ twelve ~~or~~ by whom ~~or~~ and who neither ~~or~~ to Recognize ~~or~~ because as well ~~or~~ and afterwards Immediately came those of the Jury ~~or~~ and the Jurors of that same Jury by Joshua Caldwell Gent. Sheriff of the County ~~and~~ to this Imparuelled being called came to wit Peter Raywell Philip Quinton Joshua