

March Court — — 1733 — — — (126)

August in the year Seventeen hundred & thirty two aforesaid at Somerset County aforesaid upon
himself Did assume and to the said Thomas then & there Did faithfully promise to pay
him the aforesaid sum of money according to the tenor of that same Note Nevertheless the
said Richard his promise & assumption aforesaid in forme aforesaid made Nothing regard-
ing but plotting and fraudulently Intending the said Thomas in that parte (so) craftily
and Subtily to Deceive and Defraud the said Thomas Nine pounds and four pence to the said
Thomas according to the tenor of the said Note hath not paid or him for the same in any
sort Contented at the same to Do the said Richard by the said Thomas on the aforesaid
first Day of February in the Year Seventeen hundred & thirty Two aforesaid & often after-
wards at Somerset County aforesaid he was therunto Requested but the same to him
hitherto to pay hath refused and still Doth Refuse and Deny to the Damage of the said
Thomas of Eighteen pound & eight pence Curr. money of Maryland and thereupon he
brings suite &c. Pledges & John Doe & Roe

A Copy of the foregoing declaration was made and sent to be served on the defend^{in the plea} with the writ
of auditing to act of assembly in such case made and provided -

At which said third Tuesday of March to wit the nineteenth day of the same month and Dowry
One thousand seven hundred and thirty three being the day of the return of the said writ Cometh the
said Thomas Gray by his attorney &c and the Just of Somerset County to whom the foregoing writ was -
Directed Likewise Cometh and makes Return thereof to the Court here Endorsed Capi Corpus decla-
ration in time of Joshua Caldwell Just. - -

Whereupon the said Richard Phillips present here in Court in his proper person, at the
Prayer of the said Thomas Gray by his attorney &c the said Richard Phillips is adjudged to give
Speciall bail to the action &c thereupon after that William Kitchen of Somerset County Morcht present
here in Court in his proper person undertook for the said Richard Phillips and assumed upon himself
that if in case the said Thomas Gray should recover Judgment in this pleads against the said Richard Phillips
or that the said Richard Phillips should be therein Convict that then he the said Richard Phillips
should pay the Condemnation of the Court thereupon or Render his Body to the Custody of the Just.
of Somerset County in satisfaction thereof or that he the said William Kitchen will do the same for
him

Whereupon the said Richard Phillips in his own proper person Cometh and defends the
force and Injury when &c and saith that he cannot gainsay the action &c of the said Thomas Gray
nor can he deny but that he did assume upon himself in manner and form as the said Thomas Gray
above against him hath complained and as to the damage of the same Pleas by him by Omission
of the premises in that part Sustained the same Richard saith and Confesseth that the said Thomas
hath sustained Damages by Omission of the premises further than his Costs and Charges by him about
his suit in that part assessed to Nine pounds and four pence and not more and because the
&c