

August Court - - - - - 1734 - - - - - 192

Nevertheless the said William Gray his promise and assumption of in no sort regarding but plotting and fraudulently intending the same Thomas in this part craftily and subtilly to deceive and defraud the said one thousand pounds of Tobacco or any pound thereof altho' after therewith (particularly on the first day of December in the year afo at the County afo by the same Thomas requested) hath not satisfied or paid but the same to him to satisfy or pay altogether hitherto hath refused and still doth refuse to the damage of the same Thomas two thousand pounds of Tobacco and thereof he brings suit &

Pledge & John R. Roe

A Copy of the foregoing declaration was made and sent to be served on the defendant with the writ in the place afo and owing to act of assembly in such case made and provided -

At which said third marday of August to witt the twentyeth day of the same month and day: One thousand Seven hundred and thirty four being the day of the return of the same writ came the said Thomas Nevett by his attorney afo and the Sheriff of Somerset County to whom the foregoing writ was directed Likewise came and made return thereof to the Court here in these words Enrolled Copi. Original in the deliv. of Mr. Justice

Whereupon the said William Gray present herein Court in his proper person is adjudged to give special Bail to the action afo the upon a certain Thomas Hearn and Wm. Borer of Somerset County plantiffs named herein Court in their proper persons and underlook and each of them did undertake and assumed upon themselves for the said William Gray (likewise the said Wm Gray present as afo assumed upon himself) that if in case the said Thomas Nevett should recover Judgment against the said Wm Gray in the plea afo, or that the said Wm Gray should be therein convicted, that then the said William Gray should pay the condemnation of the Court hereupon or tender his body in execution of such Judgment to the prison of the Sheriff of Somerset County in such fashion thereof or that they the same Thomas Hearn and Wm Borer will do the same for him &

Whereupon the said William Gray in his own proper person comes and defends the force and Injury whereof. And saith that he cannot gain by the action afo of the said Thomas Nevett nor can he say but that he did assume upon himself in manner and form as the said Thomas Nevett above against him hath complained and as to the damage of the same Thomas by him by Occasion of the premises in that part sustained the same William saith and Confesseth that the said Thomas hath sustained damages by Occasion of the premises further than his Costs and Charges by him about his suit in that part appoyred to One thousand pounds of Tobacco and not more and because the said Thomas deny's not this but the same allegation Confesseth to be true prays Judgment for those damages above Confessed together with his Costs and Charges afo to him to be adjudged &

Therefore by Consent of the parties afo it is Considered that the said Thomas Nevett recover agt the said William Gray his damages afo to the said One thousand pounds of tobacco in form afo Confesseth as also three hundred & one pounds of Tobacco for his Costs and Charges afo to the same Thomas by the Court here and Consent of the parties afo Adjudged and the said William in Mercy & with Stay & like the said Thomas

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