

in time of Joseph M. Cester sheriff. -- Whereupon the said Thomas Holbrook present here in Court in his proper person at the prayer of the afo Joshua Caldwell by his attorney is adjudged to give special bail to the action afo Thereupon a certain Mathew Dorman and Henry Taddonie of Somerset County planters both present here in Court in their proper persons undertook and each of them undertook and assumed upon themselves for the said Thomas Holbrook (likewise the said Tho. Holbrook present here in Court as afo assumed upon himself) that if in case the said Joshua Caldwell shall recover Judgment in the plea aforesaid against the said Thomas Holbrook or that the said Tho. Holbrook shall be thorn <sup>should be thorn</sup> <sup>convict that then he the said Tho. Holbrook</sup> pay the condemnation of the Court thereupon or tender his body in Execution of such Judgment to the Sheriff of Somerset County in satisfaction thereof or that they the said Mathew Dorman and Henry Taddonie or each of them will do the same for him &c.

Whereupon the said Thomas Holbrook by William Goldsborough his attorney Cometh and defendeth the force and Injury when &c. and saith that he did not assume upon himself in such manner & form as the afo Joshua above against him hath declared and of this he doth put himself upon the Country &c. and the plea in like manner. -- Whereupon the said Thomas by his attorney afo Relinquisheth his Verification afo by him above alleged and the same attorney of the same Thomas saith that he is not Injured by the same Thomas his Oynant of any answer for the same Thomas to the afo Joshua <sup>in the plea afo</sup> to be given and nothing els thead of saith by which the same Joshua remains against the said Thomas thereof undefended &c. Wherefore the same Joshua his damages by occasion of the premises against the afo Thomas Holbrook ought to recover and have &c. Whereupon at the prayer of the afo Joshua and by Consent of the same Thomas the Justice here according to act of assembly in such case made and provided assessed the damage of the same Joshua by occasion of the non performance of the promise and assumption afo beyond his costs and charges by him about his suit in that part appoyed to Eight hundred and twenty Eight pounds of Tobacco. -- Therefore it is considered that the afo Joshua Caldwell recover against the afo Thomas Holbrook his damages afo to Eight hundred and twenty Eight pounds of Tobacco by the Justice afo in form afo assessed as also five hundred and Twelve <sup>468</sup> pounds of tobacco for his costs and charges to the same Joshua by the Court here of his afo adjudged and the afo defendt. in mercy &c.

Stephen Dear } Command was given to the Sheriff of Somerset County that he should  
John Dear } take John Dear late of Somerset County planter if he should be  
found in his bailwick and him should safe keep so that he might  
have his body before the Justice of his Lordship County Court of Somerset  
to be held at Divising Crook the third Tuesday of March then next to answer  
unto Stephen Dear of plea of trespass upon the case &c. and that thereof he should not  
fail &c. And the afo Stephen Dear by George Douglas his attorney complains against the afo  
John Dear in the plea afo as followeth vizt