

March Court 1735 154

Bishop late of Somerset County planter ad. di. John Bishop Junior of Somerset County was summoned to answer unto Thomas Mitchell of a plea that he render unto him eight hundred pound of good Merchantable Pork.

in hogs at the least value way one hundred pound weight which to him he oweth and unjustly detaineth. And whereupon the said Thomas by Francis Allen his attorney saith that whereas the said John the twenty third day of April and di. Seventeen hundred and thirty five at the County of Somerset ad. within the Jurisdiction of this Court by his certain Bill or writing obligatory which the said Thomas with the Seal of the said John signed here into Court brings the date whereof is the same day and year did acknowledge himself to be bound unto the said Thomas in the ad. Eight hundred pound of good Merchantable pork to be paid to the said Thomas in hogs that at least shall weigh one hundred weight by the tenth day of December then next, Causing yet the said John to often require the said Eight hundred pounds of pork according to the tenor of his said Bill to the said Thomas upon the the ad. tenth day of December hath not rendered but the same to him hitherto to render, hath denied and still doth deny and unjustly detain whereupon he saith he is, worse and hath Damage to the value of Ten pound Court money of Maryland And thereupon he brings Sile. ^{of} ~~of~~ ^{pledges} ~~pledges~~ ^{to} ~~to~~ ^{Do} ~~Do~~ ^{Alia} ~~Alia~~

A Copy of the foregoing Declaration was made and sent to be served on the defendant. with the writ in the plea aforesaid according to act of assembly in such case made and provided in

All which said kind Tuesday of March to wit the sixteenth day of the same month and di. One thousand Seven hundred and thirty five being the day of the return of the said Writ Cometh the said Thomas Mitchell by his attorney ad. and the Sheriff of Somerset County to whom the foregoing writ was directed Likewise Cometh & maketh return thereof to the Court here Endorsed Capi. Capi. Declaration deliv. in time - of Joseph M. Lester Shew.

Whereupon came herunto Court the said John Bishop in his proper person and hereupon the said John Bishop by the Court here at the prayer of the ad. Thomas Mitchell is adjudged to give Special Bail to the action of ~~the~~ Whereupon after some Demean Murray Esq. of Somerset County Manner present herunto Court in his proper person undertook for the said John Bishop and assumed upon himself Likewise the said John Bishop assumed upon himself that if in case the said Thomas Mitchell should recover Judgment in the plea of ^{or that the said John Bishop} against the said John Bishop should be thereunto provided that then he the said John Bishop should pay the Judgment of the Court thereupon or tender his body to the prison of the Sheriff of Somerset County in ^{Judgment} satisfaction for that he the said Demean Murray will do the same for him

Whereupon the said John Bishop in his own proper person Cometh and defendeth the fore and Injury which he. and saith that he cannot gainsay the action of the ad. Thomas Mitchell nor can he say but that the bill obligatory of is his deed, nor butt that he owes the ad. Thomas Mitchell the ad. eight hundred pounds of pork in manner and form as the ad. Thomas above against him hath declared wherefore