

August Court

1736

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of Maylan am holden and firmly bound unto Thomas Dashiell of the said County Sheriff by his
heirs executors administrators or assigns in the penal sum of ten thousand pounds of good
sound Merchantable tobacco and cash convenient in Somerset to which payment well and truly to
be made and done I bind myself my heirs Executors and administrators firmly by these presents for the
hole and in the hole as witness my hand and seal this twenty fourth day of August Anno Domini seventeen
hundred and nineteen he also prayeth the hearing of the condition of the same writing obligatory
and it is read unto him in these words following viz The Condition of the above obligation
is such that if the above bound Richard Holland pay or cause to be paid what tobacco doth stand
justly due to Thomas Dashiell his heirs or assigns from the deceased Charles Shewell not
exceeding five thousand pounds which the said Shewell was justly Indebted to the said Dashiell
that then the above obligation to be void otherwise to be and remain in full force power and
vertue in law which being read and heard the said Richard saith that the said Thomas
his action ^{at} against him the said Richard to have and Maintain ought not because
he saith that the said Thomas at the time of Executing and making the ^{at} writing
obligatory to witt the twenty fourth day of August Anno Domini seventeen hundred and
nineteen at Somerset County ^{at} and within the Jurisdiction of this Court was and
did execute the office of high sheriff of Somerset County ^{at} and the said Richard
further saith that the said Thomas at the time of the Execution and making of the said
writing obligatory or at any time after did not Indorse the same writing obligatory
before that ~~signing~~ ^{signing} of the original writt of him the said Thomas against the said Richard
or at any time since according to the form of the act of assembly for the direction of Sheriffs
in their Offices and restraining their ill practices in this province in such case lately made and
provided by which and by reason of the said act of assembly the said writing obligatory is be-
come void and of no effect in the Law and this the said Richard is ready to verify wherefore
he prayeth Judgment if the said Thomas his action ^{at} against him the said Richard thereupon he
ought to have &c. — And the said Thomas Dashiell says that he by any thing
by the said Richard in manner and form ^{at} by pleading alleged from having and maintaining
his action ^{at} ought not to be precluded because he says that the plea ^{at} and the
matter therein contained are not sufficient in Law to preclude him the said Thomas from
having and maintaining his action ^{at} against him the said Richard and that he the said Thomas
to the said plea of the said Richard in form ^{at} pleaded hath not need nor by the Law of
the Land is in any sort bound to answer and this he is ready to verify wherefore for-
ward