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deny and unjustly detain to the detaining him in the execution of the Last will and testament and whereupon he saith he is
worse and hath damage to the value of twenty pounds money and thereupon he brings suit and he brings with him
here the Letters Testamentary and of the and exhibited by which the Judge de ff: John Doe R Roe

Whereupon the herein Court ascertains William Booth & John Merrill both of Somerset County planters in their
proper persons and undertook and each of them undertook for the said Charles Doe and assumed upon themselves
(and the same Charles Doe present herein Court in his proper person assumed upon himself) that if it happen that
the said James Smith should recover Judgment in the plea and against the said Charles Doe or that the said Charles
Doe should be lawfully convicted that then he the said Charles Doe should pay the Judgment of the Court thereupon
or tender his body in execution of such Judgment to the prison of the Sheriff of Somerset County in satisfaction
thereof or that they the same William Booth and John Merrill and each of them will do the same for him the

And thereupon the said Charles Doe prays that the said James Smith may give security for costs in
case he be convicted in the plea and which is by the Court granted him. Whereupon Francis Allen of Somerset County present
herein Court undertakes for the said James Smith that in case he be convicted in the plea and or otherwise legally found
that then the said James Smith shall pay the condonation of the Court the upon and all costs answering to the said Charles
Doe or that he it said Francis Allen will do the same for him.

Whereupon the said Charles Doe by George Douglas his attorney Cometh and. Saving to himself all
Advantages as well to the writ as to the declaration and prays Leave the of to Imparle hereunto next
Court and he hath it and the Sunday is given to the said James here also.

At the Which said next Court to wit Seventeenth day of August and One thousand Seven
hundred and thirty six came again as well the said James Smith as the said Charles Doe by their attorney
and whereupon the said Charles Doe by George Douglas his attorney defends the force and Injury
when the and prays they Letters Testamentary by the said James Smith in to Court brought may be
Enrolled and they are Enrolled in those words. Supra Sup^a Delaware J^t Jacob Kellock Esq^r
appointed for the probate of wills and granting Letters of Administration for the County and by virtue
of a Commission from the Honourable Patrick Gordon by his Majesties Royal appointment and
appointment Governour of the Counties of New Castle Kent and Sussex upon Delaware and province
of Pennsylvania To me directed To wit whom these presents shall come greeting. Know ye that on
the fourth day of December 1729 before me the said Jacob Kellock the Last Will and Testament
of Archibald Smith Late of New Down in the County of Sussex Merch^t Dec^d annexed unto the
presents was proved approved and assented having while he lived and at the time of
his death sundry goods Chattels rights and Credits within the said County of Sussex by means
whereof.