

August Court . . . 1735 72
sustained by occasion of the detaining of the same debt to him to be adjudged

Therefore it is Considered by the Court here that the afd Joseph Smalls recover against the aforesaid Richard Mitchell his debt aforesaid and his damages sustained by occasion of the detaining of the same debt to three hundred twenty three pounds of tobacco to the same Joseph of his afd by the Court here adjudged and the afd Richard in mercy &c

104 Day Scott . . . Somerset County Jt. Thomas Upton late of Somerset County labourer otherwise called Thomas Upton of Somerset County labourer was summoned to answer unto Day Scott of Somerset County planter of a plea that he render unto him the sum of fifteen pounds in paper money which unto him he oweth and unjustly detaineth &c

And whereupon the same Day by Wm Goldborough his attorney saith that whereas the afd Thomas the thirtieth day of July in the year of our Lord God seven hundred and thirty five at Somerset County afd by his certain writing obligatory had granted himself to be bound unto the afd Day in the afd sum of fifteen pounds in paper money to be paid unto the same Day when thereof afterward he should be required notwithstanding the afd Thomas altho' after required the afd fifteen pounds in paper money unto the afd Day hath not paid, but that unto him hitherto to pay altho' as then hath refused and still doth refuse to the damage of the same Day thirty pounds like money and one thousand pounds of tobacco and therefore he bringeth the writ &c and doth bring herinto Court the writing obligatory afd which the debt afd in form afd testifies, the date whereof is the same day and year afd &c

Whereupon the said Thomas Upton by Robert Sencham Henry his attorney cometh and defendeth the force and injury when &c and saith that he cannot gain say the action afd of the afd Day Scott nor can he say but that the writing obligatory afd is the deed of the same Thomas Upton nor can he say but that he oweth the afd Day Scott the afd fifteen pounds in paper money in manner and form as the afd Day Scott above against him hath declared wherefore the same Day pray judgment for his debt afd and his damages sustained by occasion of the detaining of the same debt to him to be adjudged &c

Therefore it is Considered by the Court here that the afd Day Scott recover against the aforesaid Thomas Upton his debt aforesaid and his damages sustained by occasion of the detaining of the same debt to two hundred twenty one pounds of tobacco to the same Day of his afd by the Court here adjudged and the afd Thomas in mercy &c

104 Joseph Macclister . . . Somerset County Jt. William Robison late of Somerset County planter otherwise called William Robison of Somerset County was summoned to answer unto Joseph Macclister Sheriff of said County