

August Court --- 1735 --- 76

Judgment in the plea aforesaid against the said William Kitchen or that the said William Kitchen should be throni Court that then he the said William Kitchen shall pay the condemnation of the Court there upon or tender his body in execution of such Judgment to the prison of the Sheriff of Somerset County in satisfaction thereof or that he the said Thomas Gray will do the same for him &c

Where upon the said William Kitchen by George Douglas his attorney prays that the aforesaid William Campbell may give security for costs according to act of assembly in such case made & provided in case to be awarded in the plea aforesaid. There upon Robert Jenkinson Henry of Somerset County Gent present here in Court in his proper person undertook for the said William Campbell that in case to be awarded in the plea aforesaid or otherwise legally sent that then he the said William Campbell shall pay unto the said William Kitchen all his costs in defending of the action aforesaid or that he the said Robert Jenkinson Henry will do the same for him &c

Where upon the said William Kitchen by his attorney aforesaid cometh & defendeth the force and injury when &c. and says that he did not assume upon himself in manner and form as the aforesaid William Campbell above against him hath complained and of this he puts himself upon the Country and the aforesaid William Campbell in like manner.

There upon it is commanded the Sheriff of Somerset County that immediately he should cause to come here before the Justices of his Lordships County Court of Somerset now sitting at Diving Beck in the County aforesaid twelve &c. by whom &c. and who neither &c. to recognize &c. because as well &c. and afterwards immediately came thereof the Jury &c. and the Jurors of that name being called came to wit
William Holland, Lewis Jones, Joshua Caldwell, Robert Mitchell, Philipp Quinton, Joseph Houston, John Records, Nathaniell Crapper, Benjamin Tull, John Townsend Junr., Thomas Achworth, John Lopez, who to say the truth of the premises aforesaid being duly sworn upon their Oath do say that the aforesaid William Kitchen did assume upon himself in manner and form as the aforesaid William Campbell above against him hath complained and assessed the damages of the same William Campbell by occasion of the non performance of the promise and assumption aforesaid beyond his costs and charges by him about his suit in that part assessed to twenty seven pounds sixteen shillings Sterling and for those costs and charges to one pound of tobacco.

Therefore it is considered by the Court here that the aforesaid William Campbell recover against the aforesaid William Kitchen his damages aforesaid by the Jurors aforesaid in form aforesaid assessed as also eight hundred and sixty three pounds of tobacco for his costs and charges aforesaid to the same William Campbell by the Court here of his cost of Jurors adjudged which certain damages in the whole do amount to twenty seven pounds sixteen shillings Sterling and one pound of tobacco and the aforesaid in Money &c