

August Court . . . . . 1735 . . . . . 77

Gent. present here in Court in his proper person and undertook for the same Thomas Fletcher & affirmed upon himself (likewise the said Thomas Fletcher present here in Court as aforesaid affirmed upon himself) that if in case the said John Kendall should recover Judgment on the plea aforesaid against the said Thomas Fletcher or that the said Thomas Fletcher should be taken in Convict that then he the said Thomas Fletcher shall pay the Indemnification 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 he the said William Buckingham will do the same for him &c

Whereupon the said Thomas Fletcher by William Buckingham his attorney Cometh & defendeth the force and injury when &c. and pray Leave thereof to dispute hereuntil next Court & he hath it and the same day is given to the said John here also &c

All which said next Court to wit the Seventeenth day of June and Done One thousand and Seven hundred & thirty five came againe as well the said John Kendall as the said Thomas Fletcher by their attorneys aforesaid and whereupon the same Thomas pray further Leave thereof to dispute here until next Court and he hath it and the same day is given to the aforesaid John here also &c

All which said next Court to wit the Nineteenth day of August and Done One thousand seven hundred & thirty five came againe as well the said John Kendall as the aforesaid Thomas Fletcher by their attorneys aforesaid and whereupon the said Thomas Fletcher as before defendeth the force and injury when &c. and saith that he did not affirm upon himself in manner and form as the said John above against him hath complained and of this he putt himself upon the Country &c. and whereupon the aforesaid Thomas Fletcher relinquisheth his verification aforesaid by him above alleged. and saith that he cannot gainsay the action aforesaid of the aforesaid John Kendall nor can he say but that he did affirm upon himself in manner and form as the aforesaid John Kendall above against him hath complained and as to the damage of the said John the same Thomas saith and Confesseth that the said John hath sustained damages by omission of the premises beyond his costs and Charges by him about his suit in that part assessed to One thousand pounds of tobacco and not more and because the said John denies not this but the same allegation Confesseth to be true pray Judgment for those damages above confessed together with his costs and Charges aforesaid as adjudged &c. Therefore by consent of the parties aforesaid it is considered by the Court here that the said John Kendall recover against the said Thomas Fletcher his damages aforesaid to the said One thousand pounds of tobacco in form aforesaid confessed as also three hundred & eleven pounds of tobacco for his costs & Charges aforesaid to the said John Kendall of his aforesaid by the Court here as adjudged with the lay of &c. until the last day of November Court Next & aforesaid doth in Merit &c

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