

August Court 1737 111

by Reason thereof as also by force of the Statute in such case lately made and provided
the same Nicholas became lyable to pay unto the same Trench the said Sum of four pounds
current money of Maryland according to the tenor of the Note aforesaid and so being lyable the
said Nicholas in Consideration thereof afterwards to witt the said Twenty Eighth day of September
anno. Dom. Seventeen hundred thirty and four at Somerset County aforesaid upon himself did assume
and unto the same Trench then and there faithfully did promise to pay unto him the said four pounds
current money according to the tenor of the Note aforesaid. Nevertheless the said Nicholas his promise &
assumption aforesaid nothing regarding but unadvised and fraudulently Intending the same Trench
in this part craftily and Subtly to deceive and defraude the said Sum of four pounds
or any part thereof unto the same Trench hath not paid (altho. to do the same by the said
Trench afterward, to witt the tenth day of March anno. Dom. Seventeen hundred thirty &
Six at the County aforesaid the said Nicholas was required) but that unto him hitherto to pay altogether
hath refused and still doth refuse to the Damage of the same Trench Eight pounds Six Money
and five hundred pounds of Tobacco and thereupon he bringeth Suit &c. —

Whereupon came hereto Court before this ^{Edw. J. In Jc} ^{of the} ^{County} ^{of} ^{Somerset} ^{County} ^{plaiter} ⁱⁿ ^{his} ^{proper} ^{person} ^{and} ^{undertook} ^{for} ^{the} ^{same} ^{Nicholas} ^{plaintain}
and assumed upon himself (likewise the said Nicholas plaintiff present hereto Court in his
proper person assumed upon himself) that if it should happen that Judgment in the said
aforesaid should be rendered for the same Trench against him the said Nicholas or that he the said
Nicholas should be therein convicted that then he the said Nicholas should pay and satisfy
unto the said Trench the Judgment of the Court thereupon or tender his body in Execution of
such Judgment to the prison of the Sheriff of the County aforesaid there to remain until the same
Judgment be fully satisfied or that he the same Geo. Taylor will do the same for him &c.

Whereupon the said Nicholas Plaintiff did in his proper person come and defendeth
the force and Injury whereof and saith that he cannot answer the action aforesaid of the said Trench
nor that he did assume upon himself in manner and form as the said Trench above against him
hath complained and as to the Damage of the same Trench by him by occasion of the premises in
that part sustained the same Nicholas saith and acknowledgeth that the said Trench hath sustain-
ed Damages by occasion of the premises beyond his costs and Charges by him about his Suit in that part
appoyed to four pounds current money and not more and because the said Trench denyes not this
but the same allegation becometh to the true prayer Judgment for those Damages above acknow-
ledged together with his costs and Charges aforesaid to him to be adjudged &c. Therefore by Consent
of