

November Court ---- 1737 ---- 146

James Anderson of Ap[pe]al that he tender unto him Twenty pounds curr. money of Maryland which to him he oweth and unjustly detaineth & and that thereof he should not fail.

And hereupon the said James Anderson by Robert Jenkins Henry his attorney declred against the aforesaid John Goldsmith in the p[ro]le aforesaid inform following videlicet Somerset County, Esq^r. John Goldsmith late of Somerset County Planter otherwise called John Goldsmith of Somerset County in the said province of Maryland planter was summoned to answer unto James Anderson of Ap[pe]al that he tender unto him twenty pounds curr. money of Maryland which to him he oweth and unjustly detaineth &c.

And Whereupon the same James by Robert Jenkins Henry his attorney saith that Whereas the said John the twenty first day of June in the year of our Lord God one thousand seven hundred thirty and seven at Somerset County aforesaid within the Jurisdiction of this Court by his certain writing obligatory which he the said James with the seal of the aforesaid John sealed here into Court bringes the date whereof is the same day and year aforesaid did acknowledge himself to be held and firmly bound unto the said James in the sum of twenty pounds curr. money of Maryland to be paid unto the said James when the said John by him the said James should be afterwards thereto required Yet the same John tho often afterwards thereto required the said twenty pounds to the same James hath not rendered but the same to him hitherto to render hath denied and still doth deny and unjustly detain wherefore the said James saith he is the worse and hath damage to the value of twenty five pounds curr. money aforesaid and thereupon he bringes suit &c.

Pledges vsd John Doe of St. Rose

A copy of the foregoing Declaration was made and sent to be served on the defendant with the writ aforesaid according to act of assembly in such cases made and provided.

At which day here before the Justices of this Lordships County Court of Somerset at Dividing Creek came the aforesaid James Anderson by his attorney aforesaid and the Sheriff to wit John Henry Gentle at the same day here returned that he had taken the aforesaid John Goldsmith whose body here at this day he had ready to answer unto the aforesaid James Anderson of the aforesaid p[ro]le as to him it was commanded and the said Sheriff further returned that he had served the same John Goldsmith with a copy of the declaration aforesaid according to act of assembly in such cases provided vsd.

Whereupon aforesaid Ambrose Stett of Somerset County planter present herein Court witness per person before the aforesaid Justices at Dividing Creek undertook for the same John Goldsmith and assumed upon himself (likewise the said John Goldsmith present herein Court in his proper person assumed upon himself) that if it should happen that Judgment in the p[ro]le aforesaid should be rendered for the same James against him the said John or that he the said John should