

March Court 1736 14

Afterwards to wit the sixteenth day of March Anno Domini one thousand seven hundred and thirty five before the Justices of his Lordships County Court of Somerset now here held in the Court house at dividing Creek in and for the same County came William Beekingham and Geo: Douglas of Somerset County Gentlemen in their proper persons and undertook and each of them undertook and assumed upon themselves (likewise the same Joseph M^r Lester present herein Court in his proper person or assumed upon himself) that if it happen that Judgment in the plea afo^r in the same Court should be rendered for the same Joshua against him the said Joseph, or that he the same Joseph should be therein convicted that then he the same Joseph should pay and satisfy to the afo^r Joshua the Judgment of the Court thereupon or render his body in Execution of such Judgment or that they the afo^r William Beekingham and Geo: Douglas will do the same for him &c

And the afo^r Joseph M^r Lester by Robert Jenkins Henry his attorney Cometh and defendeth the force and injury when^t and prayed leave thereof to dispute here until next Court to be held ^{at dividing Creek} the third Tuesday of June ⁱⁿ Anno Domini one thousand seven hundred & thirty six and he hath it and the same day ^{is given to the afo^r Joshua here} also &c

All which day came here againe as well the afo^r Joshua Caldwell as the afo^r Joseph M^r Lester by their attorneys afo^r and whereupon the same Joseph prays further leave ^{thereof} thereof to dispute here until next Court to be held ^{at dividing Creek} the third Tuesday of August Anno Domini one thousand seven hundred & thirty six & he hath it & the same day is given to the afo^r Joshua here also &c

All which day ^{here} came againe as well the afo^r Joshua Caldwell as the afo^r Joseph M^r Lester by their attorneys afo^r and whereupon the said Joseph M^r Lester prays further leave thereof to dispute here until next Court to be held at dividing Creek the third Tuesday of November Anno Domini one thousand seven hundred and thirty six and he hath it and the same day is given to the afo^r Joshua here also &c

All which day here came againe as well the afo^r Joshua Caldwell as the afo^r Joseph M^r Lester by their attorneys afo^r and whereupon the said Joshua Caldwell prays that the same Joseph M^r Lester to his declaration afo^r may answer and the said Joseph at the same day altho' solemnly called Cometh not nor says nothing in barr or probation of the action afo^r of the same Joshua by which the same Joshua remaineth against the afo^r Joseph thereof undefended, for which the same Joshua his damages against the same Joseph by occasion of the non performance of the promise and assumption afo^r ought to recover but because it is not known unto the Justices of his Lordships County Court here what damages the same Joshua in that part ^{has} sustained therefore it is awarded the Cross