

November Court 1737 153

A Copy of the foregoing declaration was made and sent to be served on the def^t with the writ
a^d according to act of assembly in such case made and provided &c.

All which day here before the Justices of his Lordships County Court of Somerset at
deviding Creek came the a^d John Lewis by Geo. Douglas his attorney and the sherriffe
to witte John Henry Gent. at the same day here returned that he had taken ^{the said} William
Kitcher whose body hereat this day he had ready to answer the a^d John Lewis of the
a^d plea w^{ch} him it was Comanded and the same sherriffe further returned that he had
served the same William Kitcher with a Copy of the declaration a^d according to the
act of assembly in such case made and provided &c.

Whereupon came hereinto Court Peter Taylor late of Somerset ^{County} planter in his proper
person before the a^d Justices at deviding Creek and undertook for the same W^m Kitcher
and assumed upon himself Likewise the said William Kitcher present herein Court
in his proper person assumed upon himself that if it should happen that Judgment
in the plea a^d should be rendered for the same John against him the said William
or that he the said William should be therein convicted that then the said William
should pay and satisfy unto the said John the Judgment of the Court thereupon
or render his body in execution of such Judgment to the prison of the sherriffe of the
County a^d there to remain until the same Judgment be fully satisfied or that he
the same Peter will do the same for him &c. And whereupon the a^d William
Kitcher by William Beechingham his attorney comes and defends the force and vigour
when &c. and saith that he cannot deny the action a^d of the a^d John Lewis nor but
that he did assume upon himself in manner and form as the a^d John Lewis above
against him hath Complaind and as to the damage of the same John by him by
occasions of the premises beyond in that part sustained the same ^{W^m Kitcher} saith and
acknowledgeth that the a^d John hath sustained damages by occasions of the premis-
es beyond his Costs and Charges by him about his suit in that part apposed to
thirty two pounds thirteen shillings and five pence half penny sterling and not
more and because the a^d John denys not this but the same allegation believes to be
true prays Judgment for those damages above acknowledged together with his Costs
and