

November Court 1737 173

Whereupon (asertain) Moses Chaile Ind. of Somerset County Mervier present herein Court in his proper person undertakes for the said Nathaniel that in case he be convicted in the plea afo or otherwise Legally cast that then the said Nathaniel shall pay the Condemnation of the Court and all Costs attending thereon to the said Thomas or that he the said Moses will do the same for him & the same Thomas Strow prays further Leave thereof to Imparte hereuntille the third Tuesday of August then next following and he hath it and the same day is given to the afo Nathaniel here also &c

At which day here before his Lordships Justices at dividing Creek came againe as well the afo Nathaniel Carrington as the afo Thomas Strow by their attorney afo and whereupon the same Thomas prays further Leave thereof to Imparte here untille the third Tuesday of November then next following and he hath it and the same day is given to the afo Nathaniel here also &c

At which day here before his Lordships Justices at dividing Creek came againe as well the afo Nathaniel Carrington as the afo Thomas Strow by their attorney afo And whereupon the same Thomas as before defends the force and Injury when &c And prays Judgment of the declaration afo and the matter in the same contained are Insufficient in Law for the same Nathaniel his action afo against the afo Thomas to have and maintain to which the same Thomas hath no need nor by the Law of the Land is in any sort held to answer and this he wready to verify wherefore for want of a sufficient declaration in this part the same Thomas prays Judgment of the declaration and that that declaration may be quashed &c And the afo Nathaniel saith that for any thing alledged by the said Thomas the declaration afo of the same Nathaniel to be abated ought not because he saith that the declaration afo and the matter in the same contained are good and sufficient in Law for the same Nathaniel his action afo against the same Thomas to have and maintain which said declaration and the matter in the same contained the same Nathaniel is ready to verify and prove to the Court &c and because the afo Thomas to that declaration hath not Answered nor heitherto in any sort denied it the same Nathaniel prays Judgment and his damages by occasion of