

At which day her came againe as well the as^t the as^t John Lay as the as^t Tho:
:mas Collin and Nehemiah Holland by their attorneys as^t and whereupon the
said Thomas Collin and Nehemiah Holland pray further Leave thereof to
Impeale here untill the next Court to be held at dividing Creek in and for the
County as^t the third Tuesday of March then next following and they ha^ve it and
the same day is given to the as^t John here also &c.

At which day here came againe as well the as^t John Lay as the as^t Thomas Collin and
Nehemiah Holland by their attorneys as^t and whereupon the same Thomas and Nehemiah as
before defend the force and Injury when &c. and say that they or either of them did not assume upon
themselves in manner and form as the said John above against them have Complain'd and of this
they put themselves upon the County and the off^r in like manner. Thereupon it is Comman-
d the Sheriff of Somerset County that Immediately he come to come here before his Lordships Justices
twelve &c. and who neither &c. to require &c. because as well &c. and the Jurors of that
Injury by the as^t Sheriff to wit John Henry Gent. to this Impannelled being called came to wit Edmond
Hugh Thomas Dixon Robert Mitchell John Roach Solomon Long Joshua Caldwell John Denny
Joseph Dashiell Alexander Larkie John Alkison Edw. Brooke John Denny Jun^r. who to say the
tr^uth of the premises as^t being elected byed and Sworn upon their Oath say that the as^t Thomas
Collin and Nehemiah Holland and each of them did assume upon themselves in manner and form as
the as^t John Lay above against them have Complain'd and as^t the damages of the same
the as^t John Lay by reason of the non performance of the promise and assumption aforesaid be-
ing his Costs and Charges by him about his Suit in that part apposed to Nine pounds three shillings
& six pence money of Maryland for those Costs and Charges to One pound of Tobacco.

Whereupon the as^t Thomas Collin and Nehemiah Holland by their attorney as^t pray that
Judgment on the Verd. as^t so as as^t rendered against them may not be given on behalf of the
as^t John Lay for the reasons following - Judgment ought not to be rendered on the
Verdict as^t for that it appears by the pl^tiffs shewing in his declaration that the
actions of assault and battery in the same declaration mentioned were brought by the
pl^tiff against the def^t Collin only and that the def^t Holland together with the def^t Collin
were engaged to pay the Costs and Charges of the said actions of assault and battery in the
declaration mentioned and that on the tryall it did not appear that the same promise
of