

August Court. . . . 1740. . . . 13

Whereupon the a<sup>s</sup>. James Scott at the prayer of the a<sup>s</sup>. Smith Horsey is adjudged to give Special bail to the action a<sup>s</sup>.

Thereupon came here into Court a certain James Martin of Somerset County Gent. in his proper person and undertook for the said James Scott that if it should happen that Judgment in the plea a<sup>s</sup>. should be rendered for the same Smith against the a<sup>s</sup>. James or that he the same James should be therein convicted that then he the same James should pay and satisfy unto the same Smith the Judgment of the Court thereupon or tender his body in Execution of such Judgment to the prison of the Sheriff of the County a<sup>s</sup>. in satisfaction thereof or that <sup>he</sup> the same James Martin will do the same for him <sup>or</sup>.

And hereupon the said James <sup>Scott</sup> puts in his place Geo. Douglas Gent. Attorney at Law against the a<sup>s</sup>. Smith Horsey of the a<sup>s</sup>. plea

Whereupon at the request of the parties a<sup>s</sup>. day is to them now here given untill next Court to be held at —  
Dividing week the third Tuesday of March then next following in the same state as at present saving to the parties a<sup>s</sup>.  
At which day here came again the parties a<sup>s</sup>. by their Attorney a<sup>s</sup>. and hereupon the said Smith Horsey declared against the a<sup>s</sup>. James Scott in the plea a<sup>s</sup>. in form following — Somerset s<sup>r</sup>. James Scott late of Somerset County Merchant was was attached to answer unto Smith Horsey of a plea of trespass upon the case &c.

And Whereupon the same Smith by Robert Jenckins Henry his Attorney complains that whereas the a<sup>s</sup>. James the nineteenth day of April in the year of our Lord one thousand seven hundred thirty and nine at Somerset County a<sup>s</sup>. was indebted unto the same Smith in seven pounds and ten shillings sterling for five Barrels of Dork by the a<sup>s</sup>. James of the said Smith before that time bought had and received (as by an Account thereof hereinto Court brought may appear) and so thereof indebted being the a<sup>s</sup>. James afterwards (to witt the same day and year a<sup>s</sup>. at the County a<sup>s</sup>. in consideration thereof upon himself did assume and to the same Smith then and there faithfully promise that he the the aforesaid James the aforesaid sum of seven pounds and ten shillings sterling to the said Smith when there of afterwards he should be requested would well and faithfully pay and content And whereas also the aforesaid James afterwards to witt the same day and year above mentioned at the said County of Somerset in considera-  
:tion that the aforesaid Smith at the special instance and request of the aforesaid James had sold and delivered to the same James other five barrels of Dork of <sup>the</sup> said Smith upon himselfe did assume and to the same Smith then and there faithfully promise that he the aforesaid James such sum of Sterling money as the five barrels of Dork last mentioned at the time of the sale and delivery of the same were reasonably worth to the said Smith — when thereof he should afterwards be requested would well and faithfully pay and content and the a<sup>s</sup>. Smith in-  
fact saith that the five Barrells of Dork last mentioned at the time of the sale and delivery thereof were reasonably worth the sum of seven pounds and ten shillings sterling (to witt) at Somerset County a<sup>s</sup>. and thereof the a<sup>s</sup>. James afterwards (to witt) the same day and year above mentioned at the County a<sup>s</sup>. had notice nevertheless the a<sup>s</sup>. James his severall promises and assumptions a<sup>s</sup>. in form a<sup>s</sup>. made little regarding but minding and fraudulently intending the same Smith in that part craftily and suttly to deceive and defraud the a<sup>s</sup>. severall sums of money or any penny thereof to the said Smith he hath not as yett paid or him for the same in any sort contented (altho' the same to do the a<sup>s</sup>. James afterwards (to witt) the same day and year a<sup>s</sup>. and often since that time at Somerset County a<sup>s</sup>. by the