

August Court 1740 13

by the same Smith was requested but the same to him to pay or for the same in any sort to content the a^s. James hether to
altogether hath refused and still doth refuse to the damage of him the said Smith Ten pounds Sterling and thereof he brings suit
Doe v. J. Doe & R. Roe

D^r. M. James Scott To Smith Horsey -

1739 To 5 barrells pork @ £1-10/0 Sted p bar. £ 7 10

To 9 empty Cask @ 5/paper pp. £0-13-0

Errors Excepted & Smith Horsey

Be it remembered that on the 26th of November 1739 came the above Smith Horsey and proved the above Account according
to words of the Act of Assembly before the Subscriber

And the a^s. James Scott by Geo. Douglas his Attorney someth and defendeth the force and Injury when ^{to Williams} and
prayeth leave thereof to Imparte here untill next Court to be held at dividing Creek the third Tuesday of June then next following
and he hath it and the same day is given to the a^s. Smith here also

All which day here came again as well the a^s. Smith Horsey as the a^s. James Scott by their Attorneys a^s. and
whereupon the said James prays further leave thereof to Imparte here untill next Court to be held at dividing Creek the third Tuesday
of August then next following and he hath it and the same day is given to the a^s. Smith here also

All which day here came again as well the a^s. Smith Horsey as the a^s. James Scott by their Attorneys a^s. and
whereupon the said James as before defends the force & Injury when ^{to Williams} and says that he did not assume upon himself in manner
and form as the said Smith above against him hath complained and of this he puts himself upon the Country and the
a^s. Smith in like manner

Therefore it is Comand the sheriffe that Immediately he should cause to come here before his Lordships
Justices at a Court then held at dividing Creek Twelve ^{to Williams} by whom ^{to Williams} and who neither ^{to Williams} to recognize ^{to Williams} because as
well ^{to Williams} and the Jurors of that same Jury thereof Impannelled being called came and hereupon the aforesaid James
Relinquisheth his Derogation aforesaid by him above alleged and saith that he cannot deny the Action a^s. of the a^s. Smith
Horsey nor can he say but he did assume upon himself in manner and form as the a^s. Smith Horsey above against him hath
complained and as to the damage of the same Smith by him by Occasion of the premises in that part sustained the same James
Scott saith and Acknowledgeth that the a^s. Smith hath sustained damages by Occasion of the premises beyond his Costs &
Charges by him about his Suit in that part apposed to seven pounds ^{ten Shillings} Sterling and not more and because the a^s. Smith denies
not this but the same Allegation grants to be true prays Judgment for those damages above Acknowledged together with
his Costs and Charges a^s. to him to be adjudged

Therefore by consent of the parties a^s. it is considered that the a^s. Smith Horsey recover against the a^s.
James Scott his damages a^s. to the a^s. ^{ten Shillings} seven pounds Sterling by the same James in form a^s. Acknowledged as also
pounds of tobacco for his Costs and Charges a^s. to the same Smith at his request by the Court
now here of the a^s. of the parties a^s. adjudged which certain damages in the whole Amounts to seven pounds ^{ten Shillings} Sterling
and pounds of tobacco & the a^s. James in Mercy

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