

third Tuesday of November then next following and he hath it and the same day is given to the *Sp. Wm* here also &c.

At which day here came againe as well the *Sp. William Scott* as the *Sp. Joshua Sturges* by their attorneys *Sp.* And whereupon the said Joshua prayeth further leave thereof to *Imparke* here untill next Court to be held at *Dividing Creek* in and for the County *Sp.* the third Tuesday of March then next following and he hath it and the same day is given to the *Sp. William* here also &c. . . .

At which day here came againe as well the *Sp. William Scott* as the *Sp. Joshua Sturges* by their attorneys *Sp.* And whereupon the said Joshua as before defends the force and Injury *John B.* and says that he did not assume upon himself in manner and form as the *Sp. William Scott* above against him hath complained and of this he puts himself on the County. And the *Sp. William* in like manner

Therefore it is commanded the Sheriff that immediately he should cause here before his Lordships Justices Twelve *Sp.* by whom *Sp.* and who neither *Sp.* to be recognized because as well *Sp.* and the Jurors of that Jury being called some of them to wit David Colk, John Woolford Edward Roak, Thomas Collett George Tull Robert Micklell William Gray, John White Richard Wallis and Lillaton Townsend came and were sworn upon that Jury and because the Remain of the Jurors of that same Jury did not appear therefore others of those standing by hereunto elected by the Sheriff of the County aforesaid and at the Request of the aforesaid William Scott and by the Command of the aforesaid Justices are newly put on whose names to the pannel within written are affixed according to the form of the Statute in such Case made and provided which said Jurors so newly put on to wit Peter Taylor and Archibald White being called likewise came who to say the truth of the premises aforesaid together with the other Jurors first impannelled and sworn being elected byed and sworn upon their Oath say that the aforesaid Joshua Sturges did assume upon himself in manner and form as the aforesaid William Scott above against him hath complained and assessed the Damages of the same William by Occasion of the non performance of the promise and assumption aforesaid beyond his Costs and Charges by him about his Suit in that part expended to twenty One pound. Court money of Maryland and for those Costs and Charges to One pound of tobacco - and the aforesaid Joshua Sturges offered Exceptions in stay of Judgment in these words following And the said Joshua says that no Judgment ought to be rendered on the said Verdict for this Reason that the first Count in the declaration mentioned is insufficient and Entire Damages are assayed by the Jury - and because the Count here of their Judgment of and upon the premises aforesaid to render, as yet will advise. day therefore is given to the aforesaid William and Joshua before the Justices of his Lordships County Court of Somerset to be held at *Dividing Creek* the third Tuesday of June then next following of hearing thereof their Judgment for that the Count thereupon as yet be -

All which day here came againe as well the aforesaid William Scott as the aforesaid Joshua Sturges by their attorneys aforesaid and whereupon the premises being seen and by the Court here fully understood

It is considered that the aforesaid William Scott Recover against the aforesaid Joshua Sturges his Damages aforesaid, by the Jurors aforesaid, in form aforesaid assessed as also pounds of tobacco for his Costs and Charges aforesaid to the same William by the Court