

August Court 1740 17

Whereupon the said Littleton says that he is damnified One hundred pounds Curr: money of Maryland and thereof he brings suit &c. and the said Littleton brings hereinto Court the Letters of Administration &c. by which &c. *Et legas &c. J. Doe & A. Roe.*

Whereupon the apd. Benjamin Sharp at the prayer of the apd. Littleton Townsend is adjudged to give Speciall Bail to the Action apd.

Thereupon came hereinto Court a certain Joshua Tull of Somerset County planter in his proper person and undertook for the said Benjamin Sharp (likewise the said Benjamin Sharp present herein Court in his proper person affirmed upon himself) that if it should happen that Judgment in the plea apd. should be rendered for the apd. Littleton Townsend against the apd. Benjamin Sharp or that he the said Benjamin should be therein convicted that then he the apd. Benjamin should pay and satisfy unto the said Littleton the Judgment of the Court thereupon or render his body in execution of such Judgment to the prison of the Sheriff of the County apd. in Satisfaction thereof or that he the same Joshua Tull will do the same for him &c.

And afterwards to wit the Seventeenth day of June ^{and} ~~and~~ One thousand seven hundred and forty ^{and} ~~and~~ the said Benjamin Sharp present here in Court in his proper person and ^{whereupon} ~~whereupon~~ ^{he} ~~he~~ ^{proffers} ~~proffers~~ ^{that} ~~that the said Benjamin Sharp may be committed and he discharged from the Bail piece apd. for his Indemnity ^{prayed} ~~prayed~~ that the said Benjamin Sharp may be committed and he discharged from the Bail piece apd.~~

Whereupon the said Benjamin Sharp is by the Court here committed to the prison of the Sheriff of the County aforesaid there to remain until &c. and the said Joshua Tull ^{of} ~~of~~ ^{and} ~~and~~ ^{from} ~~from~~ the Bail piece apd. is discharged. Thereupon ⁱⁿ ~~in~~ ^{custody} ~~custody~~ ^{of} ~~of~~ the Court here until next Court to be hold at Dividing Creek the third Tuesday of August then next following and the same day is given to the apd. Littleton ^{his} ~~his~~ ^{also} ~~also~~ ^{the} ~~the ^{same} ~~same ^{day} ~~day~~ ^{as} ~~as~~ ^{to} ~~to~~ the apd. Benjamin Sharp.~~~~

All which day here came againe as well the apd. Littleton Townsend ^{by} ~~by~~ ^{his} ~~his~~ ^{attorney} ~~attorney ^{as} ~~as~~ the apd. Benjamin Sharp in custody as apd. by Robert Jenchins ^{whereupon} ~~whereupon~~ ^{the} ~~the ^{said} ~~said ^{Benjamin} ~~Benjamin Henry his attorney and defends the force and Injury when &c. and says that he was not indebted to the apd. Bob Henry in his life time the apd. sum of eighty pounds and ten shillings or any penny thereof in the form in which the apd. plantiffe above against him hath declared and of this he puts himself upon the Countrey &c.~~~~~~~~

And Whereupon the apd. Benjamin Sharp Relinqueth his verification apd. by him above pretended and saith that he cannot deny the action apd. of the apd. Littleton Townsend nor but that the writing Obligatory apd. is the deed of him the said Benjamin nor but that he detaineth from the same Littleton the apd. eighty pounds ten shillings Curr: money in manner and form as the apd. Littleton above against him hath declared.

Whereupon