

f A: Joshua Caldwell } Command was given to the sheriffe of Somerset County that he should take Alexander M^cCart
& Alexander M^cCart. } late of Somerset County schoolmaster if he should be found in his bailiwick and himi should safe keep so
that he might have his body before the Justices of his Lordships County Court of Somerset to be held at
Swindrig Beck the third Tuesday of November Anno Dom One thousand seven hundred and forty to answer unto Joshua Caldwell
of a plea of trespass upon the Case. and the same day is given to the afd Joshua therefor

And hereupon the afd Joshua declared against the aforesaid Alexander in the plea aforesaid in form following
Somerset County s^r. Alexander M^cCart. Late of Somerset County Schoolmaster was attached to answer unto Joshua Caldwell
of a plea of trespass upon the Case

AND whereupon the said Joshua by Francis Allen his attorney Complains
that whereas the said Alexander the first day of November Anno Dom seventeen hundred and thirty four at the County of Somerset
af^r within the Jurisdiction of this Court was indebted unto the said Joshua in twelve hundred and sixty pounds of tobacco for sundry
properly chargeable in Acc^t as by acc^t hereunto annexed may appear and being so thereof indebted the said Alexander in Consideration
thereof the day and year af^r at the County af^r upon himself did Assume and to the said Joshua then and there did faithfully promise
that he the said Alexander the said twelve hundred and sixty pounds of tobacco to the said Joshua when he should be thereunto
requested he would well and faithfully pay and Content: Never theless the said Alexander his promise and Assumption af^r in form af^r
made nothing regarding but plotting and fraudulently Intending the said Joshua in that pte craftily and subtilly to deceive and
defraud the said twelve hundred and sixty pounds of tobacco to the said Joshua hath not paid or Contented altho' the same to do
the said Alexander by the said Joshua on the afd first day of November in the year af^r and often afterwards at Somerset County af^r
he was thereunto requested but the same to him hitherto to pay hath refused and still doth refuse and Deny Whereupon the said
Joshua saith he is worse and hath damage to the value of twenty five hundred pounds of tobacco and thereupon he brings Suit

1734 Mr. Alexander M^cCart . . . Do.
To Tobacco paid to Solomon Kitch you being Entered in . . . 660
To 30 days Custody @ 20 p^r day is 600
Errors Excepted off for Caldwell's Quantum . . . 1260

a Copy of the foregoing declaration and account were made and sent to be served on the defend^r according to act of assembly in such
Case made and provided
All which day here came the aforesaid Joshua Caldwell by his attorney aforesaid and the Sheriffe to
with John Hardy Gent now here returned that he had taken the aforesaid Alexander M^cCart whose body here at this day he had here
Ready to answer unto the aforesaid Joshua Caldwell of the aforesaid plea as to himi it was Commanded. And further
the aforesaid Sheriffe Returned that he had served the afd Alexander M^cCart with a Copy of the above declaration and account
in Order for a speedy Tryall.

AND and the aforesaid Alexander M^cCart in his proper person Cometh and defendeth the face and Injury
when afd and saith that he cannot deny the Action af^r of the afd Joshua Caldwell nor but that he did Assume upon himself in manner and form
as the afd Joshua above against him hath Complained and as to the damage of the same Joshua by him by Occasion of the premises in that
part Sustained the same Alexander M^cCart saith and Acknowledgeth that the afd Joshua hath Sustained Damages by Occasion of the
premises