

At which day here came againe as well the *af. Duncan Murray* as the *af. Abraham Smith* by their *attorneys af.* and whereupon the same *Abraham Smith* as before defends the force and Injury when *af.* and sayeth that he did not assume upon himself in manner and form as the said *Duncan* above against him hath complained and of this he puts himself upon the Country *af.* And the said *Duncan* in like manner

Therefore the sheriffe is commanded, that he should cause to come before the Justices of his Lordships County Court of Somerset, to be held at dividing Beck, the third Tuesday of November then next following, twelve *af.* by whom and who neither *af.* to Recognize *af.* because as well *af.* and the same day is given to the parties *af.* there *af.* At which day here came the said *Duncan Murray* by his attorney *af.* and the *af. Abraham Smith* Altho' solemnly called, came not but made default . . . Therefore lett the Jury whereof aforesaid is made mention, be taken against him by default; And the Jurors of that Jury being called some of them (that is to say) *John Dennis Junr;* *Thomas Williams Junr;* *Christopher Bizer;* *Henry Schofield;* *William Turpin;* *George Tull;* *Joshua Sturgis;* *Robert Mitchell;* *Mathew Hemp* and *John Berhins* came and were sworn upon that Jury, and because the Rest of the Jurors of that same Jury did not appear, therefore others of the bystanders, are by the sheriffe of the County aforesaid, Elected and at the Request of the *af. Duncan Murray*, and by the Command of the *af. Justices* are newly put on, whose names to the pannel within written are affixed according to the form of the statute in such cases made and provided which same Jurors so newly put on (that is to say) *John Floney* and *John Davis* being likewise called came who to say the truth of the premises *af.* together with the other Jurors *af.* before Impannelled and sworn being Elected tryed and sworn upon their Oath say, that the aforesaid *Abraham Smith* did assume upon himself in manner and form as the *af. Duncan Murray* above against him hath complained, and assessed the damages of the same *Duncan Murray* by Occasions of the non performances of the promise and assumption *af.* beyond his Costs and Charges by him about his suit, in that part assessed to twenty pounds Court money of Maryland, and for those Costs and Charges to one pound of tobacco.

Therefore it is considered that the *af. Duncan Murray* Recover against the *af. Abraham Smith* his damages *af.* by the Jurors *af.* in form *af.* assessed also nine hundred and twenty pounds of tobacco for his Costs and Charges *af.* to the same *Duncan* by the Court here of his assent of Increase Adjudged which certain damages in the whole amount to Twenty pounds Court money of Maryland and nine hundred and Twenty one pounds of tobacco and the *af. Abraham* in usury *af.* . . .

af. William Kitchen
af.
af. Francis Carter

Command was given to the sheriffe of Somerset County that he should take *Francis Porter* late of Somerset County planter if he should be found in his bailiwick and him should safe keep so that he might have his body before the Justices of his Lordships County Court of Somerset to be held