

Somerset County Gent. was Attached to answer unto John Scarbrough of a plea of trespass upon the Case &c.
And whereupon the said John by Geo. Douglas his Attorney complains that whereas the said Joseph on the first day of June anno Domini MDCCXXXIX at the County aforesaid was indebted to the said John in the sum of one hundred and nine pounds ten shillings current money of Maryland for sundry matters properly chargeable in account as by account thereof hereto answered may appear and so being thereof indebted afterwards to wit the day and year aforesaid at the County aforesaid in consideration thereof upon himself did assume and to the said John then and there faithfully promise that he the said Joseph the said one hundred and nine pounds ten shillings when he should be afterwards thereto required to the said John he would faithfully pay and content Nevertheless the said Joseph his promise and assumption aforesaid in form aforesaid made not regarding but minding and fraudulently intending the said John in that part craftily and subtilly to deceive and defraud the said one hundred and nine pounds ten shillings to the said John hath not paid or him for the same in any sort contented but that to doe hitherto hath refused and still doth refuse altho' thereto afterwards to wit on the day and year aforesaid at the County aforesaid and often since that time by the said John required whereupon he saith he is damaged one hundred and thirty pounds current money of Maryland and thereof he brings suit &c.
Dedged by J. Doe: R. Roe

June 11. 1738 Dr. Joseph Maclester to John Scarbrough

To paid for you to Mr. Thomas Hayward for your request £ 73 = 10 = 0
To paid for you to Honorio Rozalini by your request 36 = 00 = 00
109 = 10 = 00

Errors Excepted for John Scarbrough

And the said Joseph Maclester by his Attorney aforesaid cometh and defendeth the force and Injury when &c. and prays Leave thereof to Imparte here untill next Court to be held at dividing Creek in and for the County aforesaid the third Tuesday of June then next following and he hath it and the same day is given to the aforesaid John here also

At which day here came again as well the aforesaid John Scarbrough as the aforesaid Joseph Maclester by their Attorneys aforesaid and whereupon the said Joseph prays further leave thereof to Imparte here untill next Court to be held at dividing Creek in and for the County aforesaid the third Tuesday of August then next following and he hath it and the same day is given to the aforesaid John here also

At which day here came again as well the aforesaid John Scarbrough as the aforesaid Joseph Maclester by their Attorneys aforesaid and whereupon the said Joseph as before defends the force and Injury when &c. and saith that he did assume upon himself in manner and form as the aforesaid John above against him hath complained and of this he puts himself upon the Country and the said John in like manner

Therefore it is commanded the sheriffe that immediately he should cause to come before his Lordships Justices at a Court then held at dividing Creek twelve &c. by whom &c. and who ~~is~~ to recognize &c. because as well &c. And whereupon the aforesaid Joseph relinquisheth his verification aforesaid by him above ~~above~~ pretended and saith that he cannot gainsay the action aforesaid of the aforesaid John Scarbrough nor can he say but that he did assume upon himself in manner and form as the aforesaid John Scarbrough above against him hath complained and also the damage of the same John by him by occasion of the premises in that part sustained the same Joseph Maclester saith and Acknowledged that the aforesaid John hath sustained damages by occasion of the premises beyond his costs and Charges by him about his suit in that part apposed to one hundred and nine pounds ten shillings current money of Maryland and not more and because the aforesaid John denies not this but the same Allegation grants to be true prays Judgment for those damages above Acknowledged together with his costs and Charges aforesaid to him to be adjudged &c.

Therefore by Consent of the parties aforesaid it is considered that the aforesaid John Scarbrough recover against the aforesaid Joseph Maclester