And hereupon the Said Thomas Jones Complained of the aforesaid George Buchanan and William Hamilton in the Plea aforesaid as follow —

Somerset to wit George Buchanan late of Somerset County Merchant William Hamilton late were Attached to Answer unto Thomas Jones of a Plea of Trespass upon the Case and so forth —

And whereupon the Said Thomas by Littleton Dennis his Attorney Complains that whereas the Said George and William the first day of May Anno Dom. One thousand Seven hundred and fifty two at Great Britain to wit at Somerset County aforesaid in Consideration that the Said Thomas at the Especial Instance and Request of the Said George and William would Sell and Deliver unto them the aforesaid George and William for their Benefit and Use Sixteen Hogsheads of Tobacco upon themselves did Assume and to the Said Thomas then and there faithfully promise that they the Said George and William as much Money as the Said Tobacco at the Time of the Sale and Delivery thereof Should be reasonably worth to the Said Thomas when they Should be thereto afterwards required would faithfully pay and Content and the Said Thomas in fact Says that the Said Sixteen Hogsheads of Tobacco at the Time of the Sale and Delivery thereof was Reasonably worth Sixty two pounds thirteen Shillings and three pence Sterling Money of Great Britain of which the Said George and William at the day year and Place aforesaid had Notice And whereas also the Said George and William afterwards to wit the same Day and Year aforesaid at Great Britain to wit at Somerset County aforesaid did Account together of and Concerning Divers and Sundry Sums of Money and Tobacco and upon the Accounting the Said George and William were found in Arrear to the Said Thomas in the further Sum of Sixty two Pounds thirteen Shillings and three Pence Sterling Money of Great Britain and so in Arrear found being afterwards to wit the day and Year aforesaid at Great Britain to wit at Somerset County aforesaid upon themselves did Assume and to the Said Thomas then and there faithfully promise that they the Said George and William the aforesaid Sum of Money last Mentioned to the Said Thomas would faithfully pay and Content when they Should be thereto afterwards by the Said Thomas Required Nevertheless the Said George and William their Several Promises and Assumptions aforesaid in form aforesaid made not regarding but minding and fraudulently intending the Said Thomas in that part Craftily and Subtilly to deceive and defraud the aforesaid Several Sums of Money above mentioned they nor neither of them have paid but the Same to him to pay they and each of them have refused and Still doth refuse altho the Same to do afterwards to wit the day and Year aforesaid at the County aforesaid and often Since by the Said Thomas required to the Damage of the Said Thomas Eighty Pounds Sterling Money of Great Britain and therefore he brings Suit and So forth —

Pledges &c. John Doe and Richard Roe —

Thereupon a Certain Henry Lowes of Somerset County Gent: present here in Court in his proper Person undertakes for the Said George Buchanan and William Hamilton that if it Should happen that Judgment in the Plea aforesaid Should be rendered for the Said Thomas Jones against the aforesaid George Buchanan and William Hamilton Should be therein Convict that then they the Said George Buchanan and William Hamilton Shall pay and Satisfy unto the aforesaid Thomas Jones the Judgment of the Court thereupon or render their Bodys in Execution of Such Judgment to the Prison of Such Sheriff of the County aforesaid in Satisfaction thereof or that he the Said Henry Lowes will do the Same for him &c.

And the aforesaid George Buchanan and William Hamilton by John Reid their Attorney comes and

and defends the force and Injury when &c. and prays leave thereof to Imparle here untill next Court to be held at Princess Ann Town the third Tuesday of March then next following and they have it and the same day is given to the aforesaid Thomas here also &c. —

At which day here came as well the aforesaid Thomas Jones as the aforesaid George Buchanan and William Hamilton by their Attorneys aforesaid and hereupon the Said George and William pray further Leave thereof to Imparle here untill next Court to be held at Princess Ann Town the third Tuesday of June then next following and they have it and the same day is given to the aforesaid Thomas here also &c.

At which day here came as well the aforesaid Thomas Jones as the aforesaid George Buchanan and William Hamilton by their Attorneys aforesaid and hereupon the Said George and William pray further Leave thereof to Imparle here untill next Court to be held at Princess Ann Town the third Tuesday of August then next following and they have it and the Same day is given to the aforesaid Thomas here also &c. —

At which day here came as well the aforesaid Thomas Jones as the aforesaid George Buchanan and William Hamilton by their Attorneys aforesaid and hereupon the Said George and William pray further leave thereof to Imparle here untill next Court to be held at Princess Ann Town the third Tuesday of November then next following and they have it and the Same Day is given to the aforesaid Thomas here also &c. —

At which day here came as well the aforesaid Thomas Jones as the aforesaid George Buchanan and William Hamilton by their Attorneys aforesaid and hereupon the Said George and William as before defends the force and Injury when &c. and pray Judgment of the Declaration aforesaid of the aforesaid Thomas because they Say that the Said Declaration and the Matter therein Contained is not Sufficient in Law for the aforesaid Thomas his Action thereof against them the Said George and William to have and maintain to which Said Declaration the Said George and William have no Need nor by the Law of the Land are in any wise held to Answer and this they are ready to verify wherefore for want of a Sufficient Declaration in this part the aforesaid George and William prays Judgment of the Said Declaration and that the same may be Quashed —

And the aforesaid George and William by Leave of the Court according to the form of the Statute in Such Case lately made and provided Come and further defend the force and Injury when &c. and Say that they did not Assume upon them Selves in manner and form as the aforesaid Thomas above against them hath declared and of this they put themselves upon the Country &c. and the Said Thomas in like Manner —

And the Said Thomas Says that by any thing prealledged the Declaration of him the Said Thomas to Ought not because he Says that the Declaration aforesaid and the Matter in the Same contained are good and Sufficient in Law to Maintain the Action of the Said Thomas against them the Said George Buchanan and William Hamilton which Said Declaration and matter in the Same Contained the Said Thomas is ready to Verify and prove &c. and because the aforesaid George and William to that Declaration have not Answered nor the Same as yet in any Sort gainsaidded the Said Thomas prays Judgment and his Damages by means of the Premises to him to be adjudged and so forth — Whereupon as to the Issue above Joined whereof the Parties aforesaid have put themselves on the Judgment of the Court the Premises being Seen and by the Court here fully understood and mature Deliberation thereupon had it Seems to the Court here that the Declaration aforesaid of the aforesaid Thomas and the Matter in the Same Contained are good and Sufficient in Law to Maintain

(the)