farthing and eight hundred pounds of Tobacco Residue of the aforesaid Sums of Sixty eight Pounds and ten Shillings Sterling and eight hundred Pounds of Tobacco or any part thereof in the hands of the Said Alexander to have Ought not because he says that at the time of laying the Attachment aforesaid in his hands or at any time Since he had not any of the Goods or Chattels of George Buchanan and William Hamilton in the Said Writ mentioned in the hands of him the Said Alexander and this he is ready to Verify wherefore he prays Judgment if the aforesaid Shadrach Condemnation of the aforesaid forty Seven Pounds three Shillings and Eight pence farthing Sterling and eight hundred Pounds of Tobacco or any Part thereof in his hands to have Ought and so forth —

And the Said Shadrach Says that he by any thing by the Said Alexander in his plea above Alledged from having Condemnation of the aforesaid Sum of forty Seven Pounds three Shillings and Eight Pence farthing and Eight hundred Pounds of Tobacco in the Hands of the Said Alexander to be precluded Ought not because he Says that the Said Alexander at the Time of the laying of the Attachment aforesaid in his Hands had Sufficient of the Goods and Chattels of the Said George Buchanan and William Hamilton to Satisfy the Said Shadrach the Said Sum of forty Seven pounds three Shillings and Eight Pence farthing and Eight hundred pounds of Tobacco to wit at Somerset County aforesaid and this the Said Shadrach prays may be enquired of by the Country. And the aforesaid Alexander in like manner —

Thereupon it is Commanded the Sheriff of Somerset County that Immediately he should Cause to come before the Justices of his said Lordship's County Court of Somerset now Sitting at Princess Ann Town this Instant November twelve good free and Lawful Men of the County aforesaid whereof every one hath a freehold in the Said County by whom the truth of the Premises aforesaid may be the better known and who neither the aforesaid Shadrach Claywell nor the aforesaid Alexander Adams touch by any Affinity to Recognize upon their Oath of and upon the Premises aforesaid because as well the aforesaid Shadrach Claywell as the aforesaid Alexander Adams have put themselves upon that Jury —

And afterwards to wit the Same third Tuesday of November and Year aforesaid Came here in Court before the aforesaid Justices the aforesaid George Buchanan and William Hamilton by John Nevil their Attorney and Say that they the aforesaid George Buchanan and William Hamilton are ready to Answer unto the aforesaid Shadrach Claywell in a Plea of Trespass upon the Case according to Law and to give him the Said Shadrach Special Bail in the Same Plea to Stand and abide the Judgment of the Court thereupon &c. — And hereupon the Said Shadrach Claywell complained of the aforesaid George Buchanan and William Hamilton in the plea aforesaid in form following —

Somerset ss. George Buchanan late of Somerset County Merchant and William Hamilton late of Somerset County Merchant were Attached to Answer unto Shadrach Claywell of a Plea of trespass upon the Case &c. to wit. And whereupon the Said Shadrach 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 were Indebted unto the Said Shadrach in the Sum of Ninety Seven Pounds ten Shillings Sterling Money of Great Britain for fifteen Hogsheads of good Merchantable Leaf Tobacco by the aforesaid George and William of the Said Shadrach for his use before that Time received and so thereof Indebted being in Consideration thereof 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 Shadrach

(then)

then and there faithfully Promise that they the Said George and William the aforesaid Ninety Seven Pounds ten Shillings Sterling aforesaid when they should be thereto afterwards required they would pay and Content And whereas also the Said George and William the day and Year aforesaid at Great Britain to wit at Somerset County aforesaid in Consideration that the Said Shadrach 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 fifteen Hogsheads of Tobacco upon themselves did Assume and to the Said Shadrach 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 Shadrach when they Should be thereto afterwards Required they would faithfully pay and Content and the Said Shadrach in fact says that at the time of the Sale and delivery of the Said fifteen hogsheads of Tobacco by him to them the Said George and William was Reasonably worth Ninety Seven Pounds ten Shillings Sterling Money of Great Britain of which Premises the Said George and William the Same day and Year aforesaid at the place aforesaid had notice and whereas also the Said George and William and the Said Shadrach 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 that accounting the Said George and William were found in Arrear to the Said Shadrach in the further Sum of Ninety Seven Pounds ten Shillings Sterling Money of Great Britain and so in Arrear found being afterwards to wit the day and Year aforesaid at the Place aforesaid upon themselves did Assume and to the Said Shadrach then and there faithfully Promise that they Said George and William the aforesaid Ninety Seven Pounds ten Shillings when they Should be thereto afterwards Required they would pay and Content 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 Shadrach in that part Craftily and Subtilly to deceive and defraud the aforesaid Several Sums of Money above mentioned to the Said Shadrach they nor neither of them have paid but the Same to him to pay they and each of them have refused and Still do Refuse althe the Same to do afterwards to wit the day and Year aforesaid at the place and County aforesaid and often Since by the Said Shadrach Required to the Damage of the Said Shadrach One hundred Pounds Sterling and thereof he brings Suit &c. —

Pledges &c. John Doe and Richard Roe

Thereupon a certain Henry Lowes of Somerset County Gent: present here in Court in his proper Person undertook 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 Shadrach Claywell against the aforesaid George Buchanan and William Hamilton or that they the Said 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 Shadrach Claywell the Judgment of the Court thereupon or render their Bodys in Execution of Such Judgment to the prison of the Sheriff of the County aforesaid in Satisfaction thereof or that he the Said Henry Lowes will do the Same for them &c. —

And the aforesaid George Buchanan and William Hamilton by John Nevil their Attorney aforesaid Come and defend the force and Injury when &c. and pray 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 Shadrach here also &c. —

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