and affixed the publick Seal of the County this 26th Day of August Anno Domini 1762

Joseph Sim Clerk Cur Prid

And now here at this Day to wit the 14th Day of September Anno Domini 1762 the said Stephen West by John Hall his Attorney comes and defends the force and Injury when and so forth and prays leave to imparle hereunto until next Court and he hath it the same Day is given to the Plaintiff also

At which said next Court to wit the 12th Day of April Anno Domini 1763 came again the said parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorney prays further leave to imparle hereunto until next Court and he hath it the same Day is given to the Plaintiff also

At which said next Court to wit the 13th Day of September Anno Domini 1763 came again the said parties Plaintiff and Defendant by their Attorneys aforesaid And the said Defendant by his said Attorney prays further leave to imparle hereunto until next Court and he hath it the same Day is given to the Plaintiff also

At which said next Court to wit the 10th Day of April Anno Domini 1764 comes again as well the said Richard Bowes by his Attorney aforesaid as the said Stephen West by his Attorney aforesaid And the said Stephen West by his said Attorney (as before) defends the force and Injury when and so forth and saith that he never did Assume upon him self in manner and form as the aforesaid Richard above against him hath complained and of this he puts himself upon the County And the Plaintiff in like manner and so forth

And the aforesaid Stephen by leave of the Court here and according to the form of the Statute in such Case late made and provided further defends the force and Injury when and so forth and saith that the aforesaid Richard his Action aforesaid against him to have or maintain ought not because as to the sum of

part of the aforesaid sum of one hundred and thirteen pounds five Shillings and three pence he saith that he did not Assume upon himself in manner and form as the aforesaid Richard above against him hath declared and of this he puts himself upon the County and the Plaintiff in like manner and so forth

And as to the sum of fifty one pounds thirteen Shillings and ten pence part of the said sum of Money last mentioned he saith that before the impetration of the Original Writ of him the said Richard he paid and satisfied to him the said sum of fifty one pounds thirteen Shillings and ten pence current Money aforesaid and this he is ready to verify and so forth And as to the whole residue he saith that before the impetration of the Original Writ aforesaid he offered to pay the same to him the said Richard

(which)

which he refused to receive and the said Stephen saith that he always since hath been and yet is ready and willing to pay the residue aforesaid and the same hereinto Court brings ready to pay him the said Richard if he will receive the same and this he is ready to verify &c. wherefore he prays Judgment if the said Richard his Action aforesaid to have or maintain ought &c.

And the aforesaid Stephen by leave of the Court here and according to the form of the Statute in such Case late made and provided further defends the force and Injury when and so forth and saith that the aforesaid Richard his Action aforesaid against him to have or maintain ought not because he saith that as to the sum of twenty one pounds eleven Shillings and five pence part of the aforesaid sum of sixty one pounds eleven Shillings and five pence he never did Assume upon himself in manner and form as the aforesaid Richard hath above declared against him and of this he puts himself upon the County And the Plaintiff in like manner &c.

And as to the sum of forty pounds residue of the aforesaid sum of sixty one pounds eleven Shillings and five pence he saith that after the promise and Assumption aforesaid above supposed to be made and before the Impetration of the Original Writ aforesaid he offered to pay the same residue to the said Richard to wit at the County aforesaid which he then and there refused to receive And the said Stephen further saith that he always since hath been and yet is ready to pay the Residue aforesaid and the same brings hereinto Court if the said Richard will receive the same and this he is ready to verify &c. Wherefore he prays Judgment if the said Richard his Action aforesaid to have or maintain ought and so forth

Whereupon by Consent of both parties and at their request it is Ordered by the Court here that this Cause be referred to Messrs Stephen Steward and Thomas Harris and if they disagree to choose a third person And it is Ordered by the said Court that the Arbitrators aforesaid or any two of them make their Award in Writing under their Hands and Seals and return the same to this Court and Judgment to be entered according to such Award and be final between the said parties With full power to Examine Witnesses upon Oath by Consent of both parties Plaintiff and Defendant And the Arbitrators aforesaid pursuant to the Order aforesaid return to the Court here the following Award to wit: