

June Court --- 1726 --- 155 ---

line to the said James Dalzell at his Prorogable Instance and request before that time sold & delivered
and so there of being indebted the same James Dalzell in consideration thereof afterward to wit
the same day and year and at the County and within the said Jurisdiction upon himself assumed
and to the same John in his Life time then and there did faithfully promise that he the said James
Dalzell when afterward he should be there to request the said Sum of Sixty pounds Sterl to the
Same John he would well and faithfully Content and pay never the less the said James Dalzell
his promise and assumption and in form and made Little Regarding had of getting and fraudu-
lently Fulfilling the said John in his Life time and the said James Mackenry since the Death
of the same (John) to which the said James Mackenry Administration of all & singular the
Goods Chattels Rights and Credits wth were the said John Mackenry at the time of his Death by
John Fountall Deputy Comissary of Somerset County and at the County and within the said Part
was in due form of Law granted, in that part to defraud and receive the said Sum of Sixty pounds
Sterl or any part thereof to the same John Mackenry in his Life time or the said James
Mackenry since the Death of the same John hath not paid nor either of them for in any
wise Contented Altho the said James Dalzell the same to do by the same John in his Life time
afterward to wit the same day and year and by the said James Mackenry since the
Death of the same John the tenth Day of April and about one thousand seven hundred &
twenty five at Somerset County and within the said Part was there to request, but the said
James Dalzell the same to the said John in his Life time or the said James Mackenry since
the Death of the same John hath altogether Refused & is come to wth James Mackenry
to pay still doth Refuse to the Delay of the faithful and of the goods and Chattels rights
and Credits of the said John and to the Damage of the same James Mackenry ninety pounds
Sterl and there of he brings this Suite &

And the said James Mackenry brings here into Court the Letters of adms of Wth
Shelton Quond & Bogart. W. Doe
Ad. Roe

At which said third Tuesday of June to wit the twenty first day of the said month and
Died: One thousand seven hundred and twenty six Cometh the said James Mackenry adms. as aforesaid by
his said attorney and the Shes. of Somerset County to whom the foregoing writ was directed & he with
Cometh and maketh Return thereof to the Court here Endorsed in these words following viz.

Non Est Invenitur Short note Left of Francis Allen Shes

Whereupon the said James Mackenry adms. as aforesaid by his attorney aforesaid prays that for as much as he hath
Complied with the Law in order to an attachment: he may have Judgment against the said James Dalzell
for his Damages aforesaid by way of attachment according to act of assembly Wth whereupon for that it
Seem