

August Court 1726 164

Diall being called appears and thereupon the said Catherine Diall at the prayer of the
Lefts attorney is adjudged to give Specialle Bail to the action afo, ~~there~~ but for want
hereof the said Catherine Diall is committed into the custody of the Sher. of Somerset
County there to remain &c. the said Sher. being present took charge of the said Catherine
Diall accordingly. afterwards in the same Court some after Jan. 10. Holder and undertakes
for the said Catherine Diall that in case the said John Harger shall recover Judgment in the
plea afo against the afo Catherine Diall or that the said Catherine Diall shall be therein
convict that then she the said Catherine Diall shall pay the condemnation of the Court thereupon
or tender her Body to the custody of the Sher. of Somerset County in Satisfaction thereof or
that she the said J^r Holder will do it for her, thereupon the said Catherine Diall in her
Own proper persons appears and imparles her next Court &c

J^r Joseph M^r Master } Somerset County: f. Mary ^{Evans} late of Somerset County widow adm^r
of all and singular the goods and Chattels Rights and Credits of Benjamin
Evans late of Said County planter dec^d. was attached to answer unto Joseph
Master of plea of trespass upon the case &c

And whereupon the said Joseph by John Gale his attorney complains that whereas the said
Benjamin in his Life time to witt the first day of December and Dowd. One thousand Seven hundred
and twenty four at Somerset County afo within the Jurisdiction of this Court was indebted unto the
said Joseph in Seven thousand three hundred fifty and three pounds of tobacco or by notes here-
unto annexed may in Court appear and being so there of indebted the said Benjamin in his Life time
in Consideration thereof upon himself did assume and to the said Joseph then and there
did faithfully promise that he the said Benjamin the said Seven thousand three hundred &
fifty three pounds of tobacco to the said Joseph when he should be thereunto requested well
and faithfully should pay and Content and altho. the said Benjamin in his is One
thousand eight hundred & eighty pounds of Tob^o to y^r J^r Jos: he hath paid & satisfied yett
as to five thousand five hundred forty five pounds of Tob^o residue thereof the said
Benjⁿ in his Life time by said Mary since y^e deceased of y^e said Benjamin to whom
administration of all & singular y^e goods & Chattels of y^e said Deceased in due forme of Law
was committed y^e promise & assumption afo of y^e afo Benjamin in forme afo made
nothing regarding but plotting & fraudulently intending y^e said Joseph in that
five pounds of Tob^o to y^e said Joseph have not paid or Contented nor either of them hath paid
or Contented tho' often thereunto requested but y^e same to pay have refused & y^e said
Mary y^e same to y^e J^r Joseph to pay still doth refuse & deny to y^e Damage of y^e J^r Jos:
of Eleven thousand pounds of Tob^o & thereupon he brings Suite &c

J^r Gale & Querd. pledges &c J^r Doe R^r Roe