

A Copy of the foregoing declaration & writ were made & sent to be served on the said Abraham Mason with the writ in the plea aforesaid

At which said third Tuesday of March next to with the twenty first day of the same Month and Day: one thousand seven hundred & twenty Six being the day of the return of the said Comette the said Jos. McCarter by his atty & the Sher of Somerset County to whom the foregoing Writ was Directed like wise Comette & Maketh return thereof to the Court here Endorsed in the words following viz - *Exi Conquidit* Delivered in time of me Fran: Allen Sher

And the said Abraham Mason being present here in Court is at y^e prayer of y^e said atty & adjudged to give Special Bail to y^e action aforesaid & thereupon a certain Tho: Newbold Late of Somerset County Planter Present here in Court undertakes for the said Abraham Mason y^t if in Case y^e said Joseph McCarter shall recover Judgment in the plea aforesaid against the said Abraham Mason or y^e said Abraham Mason shall be there in Court that then he y^e said Abraham Mason shall pay the Condemnation of the Court thereupon or tender his body to the Custody of the Sher of Somerset County in Satisfaction thereof y^e said Tho: Newbold will do it for him &c

Whereupon the said Abraham Mason in his own proper Person Comes & defends the force & injury when he & saith y^e he cannot gain say y^e action aforesaid nor but y^e he did assume upon himselfe & in Manner & forme as the said Jos. McCarter above against him hath Complaind nor can he say but that y^e said Jos. McCarter hath sustained Dam: by occasion of the Nonperformance of his promise & assumption aforesaid too one thousand six hundred and ten *£* of *£* of the same Declaration in all the words before Expressly Confesseth

Therefore it is Considered y^t said Jos. McCarter recover against y^e said Abraham Mason as well the sum of one thousand Six hundred & ten *£* of *£* of his Damages aforesaid by him in his Declaration above supposed & also y^e sum of three hundred & Twenty Seven - - - pounds of *£* of *£* for his Costs & Charges by him about his suite in y^e part aforesaid to the same Joseph by y^e Court here of his assent adjudged & the said Jos. McCarter in Mercy &c

The same Command was given to the Sher of Somerset County that he should take Randall West Late of Somerset County planter if he should be found in his Bailynk and him should safe keep

so that he might have his body before the Justice of his Lordship's County Court of Somerset to be hold at Dividing Creek the third Tuesday of March then next to answer unto Jos. McCarter of plea of trespass upon the Case &c and that hereof he should not fail &c And the said Jos. McCarter by Leon: Gale his attorney declared against the said Randall West