

March Court . . . 1728 . . . 158
 + John Atkinson } Somerset County
 vs John Magan . . .

John Magan late of Somerset County Schoolmaster was attached to answer unto John Atkinson of the plea of his paper upon the first day of the said John Magan the twenty sixth day of March anno. Dom. One thousand seven hundred and twenty eight at Somerset County and within the Jurisdiction of this Court was indebted unto the said John Atkinson in the Sum of three pounds two Shillings ten pence Curr. Money of Maryland as by ant. hereunto annexed and here in Court produced may appear & being so there of indebted the said John Magan in consideration thereof the day & year aforesaid at the City of Annapolis upon himselfe did a promise to the said John Atkinson then & there faithfully did promise that he the said John Magan the said three pounds two Shillings ten pence Curr. Money to the said John Atkinson when thereunto afterwards he should be requested he would well & faithfully pay and content Nevertheless the said John Magan his promise & assumption as in form aforesaid in that part craftily & subtilly to deceive & defraud the said three pounds two Shillings ten pence Curr. Money to the said John Atkinson altho: it came to do the said John Magan on the twenty sixth day of March in the year aforesaid & often afterwards at the City of Annapolis by the said John Atkinson he was thereunto requested hath not paid or to him for the same in anywise contented hath not paid but the same to him hitherto to pay or in any sort to content hath refused & still doth refuse and deny whereupon he saith he is worse than dead: lost value of his goods money & thereupon he brings suite & the said John Atkinson pr. Quod pledges & Indoe Richd Roe

March 26th 1728. John Magan
 To 5 lb. & 3/4 of Callio at 5 p^d — £ 1 8 3/4
 To 2 yds of Callio at 3 p^d — 0 6 8
 To 1 pottle of Rum at — 0 3 6
 To 125 pound Barrell Pork at — 1 4 0
 To 2 pint of Rum at — 0 0 3
 £ 3 2 10

Errors Excepted for me John Atkinson

Whereupon the aforesaid John Magan in his own proper person appears and thereupon the said John Magan at the prayer of the p^lty attorney is adjudged to give special bail to the action aforesaid. Thereupon a certain William Hardy of Somerset County Gent. present herein Court in his proper person undertakes for the aforesaid John Magan that if in case the aforesaid John Atkinson shall recover Judgment in the plea aforesaid against the aforesaid John Magan or that the aforesaid John Magan shall be therein convicted that then he the said John Magan shall pay the Indemnification of the Court thereupon or tender his body unto the Custody of the Sheriff of Somerset County in Satisfaction thereof or that he the said William Hardy will do it for him &c.

And the aforesaid John Magan in his own proper person comes and defends the force and injury when &c. and says that he cannot gainway the action aforesaid of the aforesaid John Atkinson, nor but that he did assume upon himselfe in manner and form as the aforesaid John Atkinson above against him hath complained, and as to the damage of the same John Atkinson by him by occasion of the premises in that