

March Court . . . 1729 248

Whereupon the said Adam Clarke being called a peer and thereupon the said Adam Clarke at the prayer of the Pleige by his attorney and is adjudged to give a special bail to the action and but for want thereof the said Adam Clarke is committed into the custody of the Sher. of Somerset County thereto remanent. The said Sher. to wit John Burnale Gent^l present here in Court took Charge of the said Adam Clarke accordingly &c.

Therupon day is given unto the said Adam Clarke in custody as and until the next Court and the same Day is given to the said Pleige here also - &c.

At which said next Court to wit the seventeenth day of June and said one thousand seven hundred and seven. by nine came again as well the said Jonathan Fisher by his attorney and as the said Adam Clarke in custody as and by Lewis Hale his attorney, and thereupon further day is given unto the said Adam Clarke in custody as and in the place and the same day is given to the said Pleige here also - &c.

At which said next Court to wit the nineteenth day of August and said one thousand seven hundred and twenty nine came again as well the said Jonathan Fisher by his attorney and as the said Adam Clarke in custody as and by Lewis Hale his attorney and, and thereupon further day is given unto the said Adam Clarke in custody as and in the place and until the next Court, and the same day is given to the said Pleige here also &c.

At which said next Court to wit the eighteenth day of November and said one thousand seven hundred and twenty nine came again as well the said Jonathan Fisher by his attorney and as the said Adam Clarke in custody as and by his attorney and and thereupon further day is given to the said Adam Clarke in custody as and in the place and the same day is given to the said Pleige here also &c.

At which said next Court to wit the seventeenth day of March and said one thousand seven hundred and twenty nine came again as well the said Jonathan Fisher by his attorney and as the said Adam Clarke in custody as and by attorney and, and whereupon the said Adam Clarke in custody as and by his said attorney defend the force and injury whereof. And says that if said Jonathan Fisher his Action and against him of same Adam to have & maintain Ought not because he says that well and true it is that he did assume in manner & form as the Plaintiff in his Declaration and both Complaigned but if said Adam further saith that after making of promise of assumption and above exposed to be made that is to say of twenty Eight Day of November. And said one thousand seven hundred and twenty eight he said Adam at Somerset Co. and have delivered & passed to said Fisher an Obligation for of Baynet of Fifty one Pounds fifteen Shill. Curr. Money of Pennsylvania in full Satisfaction & Discharge of said promise & assumption and of said Adam which said Obligation if said Fisher then & there in full Satisfaction of the promise & assumption and of said Adam did take accept & receive & this he is ready to verify & wherefore he craves Judgment if said Fisher his Action and thereof against him if said Adam to have & maintain Ought &c. — Lewis Clarke

And whereupon the said Jonathan Fisher his will and declaration and, then and there, against the said Adam Clarke did not prove: but voluntarily suffered his suit to be discontinued &c.

Therefore it is considered that the said Jonathan Fisher takes no thing by his will and declaration and, but that he and his pledges of promising (to wit) John Doe and Richard Roe be in mercy and that the said Adam Clarke goe thereof without day &c.