

March Court 1731 172
(161) of that same debt to one hundred & Sixty One - - - - - pounds of tobacco to the same -
David of this court has adjudged with stay of execution for Six month and the said
James in mercy &c.

John Finch } Somerset County J. John Magan Late of Somerset County Schoolmaster - was -
WB. John Magan - } attached to answer unto John Finch of plea of trespass upon the case &c.
And Whereupon the said John Finch by Francis Allen his attorney -
complains the whereas the said John Magan the nineteenth day of September seven ten -
hundred an thirty one at Somerset County within the Jurisdiction of this Court was indebted unto
the said John Finch in three hundred and fifty pounds of good Merch on table Pork
as by certain Note by the said John Magan signed and hereunto annexed dated the day
and year above said may in Court appear and being so thereof indebted the said John
Magan in consideration thereof the day and year aforesaid at the Place aforesaid within the Jurisdiction
aforesaid and by the Note aforesaid upon himself did assume and to the said John Finch then
and there did faithfully promise that he the said John Magan the said three hundred
and fifty pounds of pork at the house of the said John Finch by the tenth day of November
then next Ensuing he would well and faithfully pay and content Nevertheless the
said John Magan his promise and assumption aforesaid made Nothing
regarding but plotting and fraudulently Intending the said John Finch in that part
craftily and Subtily to deceive and Defraud the said three hundred and fifty pounds
of Pork on the day last aforesaid to the said John Finch altho the same to do the said
John Magan by the said John Finch on the aforesaid tenth day of November in the year
aforesaid and often afterwards at Somerset County aforesaid within the Jurisdiction aforesaid he was
there unto requested hath not paid but the same to him hither to to pay hath refused
and still doth refuse and Deny the Damage of the said John Finch of five pounds Current
Money of Maryland and thereupon he brings Suit -

Allen for the Plea &c. J. Doe
vs. Magan

Whereupon the said John Magan present herein Court in his proper person, at the prayer of the
aforesaid John Finch by his attorney aforesaid is adjudged to give Special Bail to the action aforesaid -
Whereupon a certain Richard Knight of Somerset County planter present herein Court in his proper
person undertakes for the said John Magan that if in the said John Finch shall Recover Judgment
in the plea aforesaid against the said John Magan, or that the said John Magan shall be therein Convicted
that then he the said John Magan shall pay the Satisfaction of the Court thereupon or Render his
Body in Execution to the Sher. of Somerset County or that he the said Richard Knight will do the same
for him &c. - and afterwards the said John Magan by William Berkeingham his attorney Comer and
defends the force and Injury whereof and says that he cannot answer the action aforesaid of the
John Finch nor can he pay but that the said John Magan did assume upon himself in manner and form as
the aforesaid John Finch above against him complained and as to the Damage of the same John Finch
by him by occasion of the premises in that part sustained the same John Magan Faith and Confesseth.

Allen

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