

November Court — 1734 — (224)

with the writ in the plea of: according to act of assembly in such case made and provided &c.

At which said third Tuesday of November to wit the Nineteenth day of the same month and Dom One thousand Seven hundred and thirty four being the day of the return of the said writ cometh the said Alexander Adams by ^{and the rest of the Vestry men} his attorney &c. and the Sher. of Somerset County to whom the foregoing writ was directed likewise comes and makes return thereof to the Court here. Endorsed Legi Corporis declaration in time of Joseph Macclister Sher.

And the aff. John Burnel by Francis Allen his Attorney comes and defends the force and Injury when &c. and saith that he cannot gainsay the action aff. of the aff. Alexander Adams ^{and the rest of the Vestry men} nor can he say but that he did assume upon himself in manner and form as the aff. Alexander Adams ^{the rest of the Vestry men} above against him hath complained and as to the damage of the same Alexander ^{the rest of the Vestry men} by occasion of the premises in that part sustained the same John saith and confesseth that the aff. Alexander ^{the rest of the Vestry men} sustained damages by occasion of the premises further than their costs and charges by them about their suit in that part apposed to Eight thousand two hundred and thirty one pounds of Tobacco and not more and because the aff. Alexander ^{the rest of the Vestry men} deny not this but the same allegation confesseth to be true prays Judgment for those damages above Confessed together with their costs and Charges aff. to them to be adjudged &c.

Therefore by Consent of the parties aff. it is Considered that the aforesaid Alexander Adams ^{the rest of the Vestry men} recover against the aff. John Burnel their damages aff. to the aff. Eight thousand two hundred and thirty one pounds of Tobacco in form aff. Confesseth as also three hundred & sixty nine ^{the rest of the Vestry men} pounds of Tobacco for their costs and charges aff. to the same Alexander ^{the rest of the Vestry men} by the Court here and Consent of the parties aff. adjudged and the aff. John in mercy &c.

W³ Zachariah Maccubbin
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JA. John Evans

Command was given to the Sheriff of Somerset County that he should take John Evans late of Somerset County planter if he should be found in his bailwick and him should safe keep so that he might have his body before the Justices of his Lordships County Court of Somerset to be held at Swiding Creek the third Tuesday of November then next to answer unto Zachariah Maccubbin of a plea of trespass upon the case &c. and that thereof he should not fail &c.
And the aff. Zachariah Maccubbin by William Bechingham his attorney
(Complain