

November Court — 1734 — (225)

Complains against the aff. John Evans in the plea aff. as followeth Viz^t —
Somerset County's John Evans late of Somerset County planter was attached to
answer unto Zachariah Maccubbin of a plea of trespass upon the Case: —
And Whereupon the same Zachariah by William Beckingham his attorney
complains that whereas the said John after the first day of May which was in
the year of our Lord Seventeen Hundred & five to wit on the third day of April
in the year of our Lord Seventeen Hundred & thirty three at Somerset County made
his certain Note in writing called a promissary note with his proper hand
thereto subscribed bearing date the same day and year aff. by which same note
the same John did promise to pay unto the said Zachariah or his order the
Sum of thirteen pounds ten Shillings current money it being for Value reced^d —
by three thousand pounds of Tobacco by reason whereof as also by force of the
Statute in such Case lately made and provided the same John became and was
chargeable to pay unto the said Zachariah or his order the aff. thirteen pounds
ten Shillings current money according to the tenour of the note aff. and so
therewith being chargeable the same John in Consideration thereof afterwards
to wit the same third day of April in the year aff. at the County aff. upon
himself did assume and to the same Zachariah then and there did faithfully
promise that he the said John the said thirteen pounds ten Shillings to the
said Zachariah or order according to the Tenour of that notes well and
faithfully would pay and Content and whereas also the aff. John the same third
day of April in the year aff. at the County aff. in Consideration that the said
Zachariah at the especial Instance and request of the said John had assign^d:
ed to the said John for the proper use of the said John an order drawn
by a certain George Neilson or Joshua Caldwell Sher. of Somerset County —
payable to the said Zachariah or order for three thousand pounds of Tobacco
upon himself did assume and to the same Zachariah then & there faithfully
did promise that he the said John the order aff. if not accepted by the said
Joshua Caldwell on or before the first day of June then next to the said
Zachariah would return or else other thirteen pounds ten Shillings to the
same Zachariah or order on or before the last day of July then next
following well & truly would pay and Content and that aff. Zachariah in fact
saith that the aff. John hath not returned the note aff. or paid to him
the s^d. Zachariah or order the said thirteen pounds ten Shillings last
mentioned