

November Court — 1734 — (225)

mentioned according to the tenour of his promise and assumption aforesaid whereby
action hath accrued to the said Zachariah to have and receive from the said
John the said thirteen pounds ten Shillings last mentioned Nevertheless the
aforesaid John his several promises and assumptions in no sort regarding but
minding and fraudulently intending the same Zachariah in this part craftily
and subtilly to deceive and defraud the aforesaid several Sums amounting in the whole
to twenty Seven pounds or any penny thereof to the same Zachariah hath
not paid or him for the same in any sort contented (altho' so to do by the
said Zachariah afterwards to wit the first day of September in the year
aforesaid at the County aforesaid or often afterwards there required) but the same to
him to pay or for the same in any sort to content altogether hath refus-
ed and still doth refuse to the damage of the said Zachariah fifty pounds
Current money and thereof he brings Suit &c. — Pledges &c. P. Doe & P. Roe
a copy of the foregoing declaration was made and sent to be served on the defendt. with
the writ in the plea aforesaid according to act of assembly in such case made and provided
Att which said third Tuesday of November to wit the nineteenth day of the same Month
Ann Dom One thousand seven hundred and thirty four being the day of the return of
the said writ cometh the said Zachariah Maccubbin by his attorney aforesaid and the
Sheriff of Somerset County to whom the foregoing writ was directed likewise comes
and makes return thereof to the Court here Endorsed *legi legitur* declaration in time

Whereupon the said John Evans present here in Court ^{by his proper person} ~~in~~
is at the prayer of the said Zachariah Maccubbin by his attorney aforesaid
~~adjudged~~ adjudged to give Speciall bail to the action aforesaid thereupon a certain
Henry Spear of Somerset County planter present here in Court in his proper person
under took for the said John Evans and assumed upon himself that if in case the
said Zachariah Maccubbin should recover Judgment in the plea aforesaid against
the said John Evans or that the said John Evans should be therein convicted that
then he the said John Evans should pay the Condemnation of the Court thereupon
or render his body to the Custody of the Sheriff of Somerset County in Satisfaction
thereof or that he the said Henry Spear will do the same for him &c. —
And the aforesaid John Evans by Francis Allen his attorney comes and defends the
force and Injury when &c. and saith that he cannot gainsay the action aforesaid of
the aforesaid Zachariah Maccubbin nor can he say but that he did assume upon
(himself