

November Court 1741 182

A Copy of the foregoing declaration was made and sent to be served on the defendant with the writ in order for a speedy Tryall. At which which day here came the As^s: John Scarbrough by his Attorney Aforesaid and the Sheriffs to wit John Hardy Gentleman now here Returned that he had taken the As^s: Adam Brafford whose body hereat this day he had Ready to answer the As^s: John Scarbrough of the As^s: Plea as to him it was Comanded. and further the same sheriffs Returned that he had served the As^s: Adam Brafford with a copy of the foregoing declaration according to act of assembly in such Case lately made and provided &c.

And whereupon came hereinto Court the aforesaid Adam Brafford in his proper person and thereupon the said Adam at the prayer of the aforesaid John Scarbrough is adjudged to give special bail to the return aforesaid but for want thereof the said Adam is committed into the custody of the Sheriffs of the County aforesaid thereto Comanded.

And afterwards in the same Court came here John Alkison of Somerset County planter and Thomas Rowomb of the same place Taylor and undertook and each of them undertook for the As^s: Adam Brafford (likewise the said Adam Brafford present herein Court in his proper person assumed upon himself) that if it should happen that Judgment in the plea aforesaid should be rendered for the same John Scarbrough against the same Adam Brafford or that he the said Adam should be therein found that then he the said Adam should pay and satisfy unto the said John Scarbrough the Judgment of the Court thereupon or Render

in body in execution of such Judgment unto the prison of the Sheriffs of the County aforesaid in Satisfaction thereof or that they the said John Alkison and Thomas Rowomb or each of them will do the same for him.

And the said Adam by Francis Allen his attorney Comer and defends the force and Injury when &c. and saith that he did not assume upon himself in manner and form as the said John above against him hath Complaind and of this he puts himself upon the Country and the said John in like manner

Therefore Comand is given to the Sheriffs of Somerset County that he should Immediately Cause to come here before his Lordships Justices twelve &c. by whom &c. and who neither &c. to recognize &c. because as well &c. And whereupon the said Adam relinquisheth his verification aforesaid by him above allegy-

ed - And whereupon the parties aforesaid present herein Court in their proper persons Submitted their dispute in this action to the arbitrament and final determination of William Arbuckle and Francis Allen of Somerset County Gentlemen and it is agreed by and between the self and each of the said Arbitrators return their arbitrament in writing from under their hands and Seals Immediately to his Lord-

ships Justices in Court now here Judicially sitting and that the Court may proceed thereon to Judgment against either of the parties aforesaid as if the Cause were determined by the Court And it is further

agreed by and between the plaintiff and defend^t: aforesaid that that Submission aforesaid in manner and form aforesaid made according to the force form and Effect of the statute in such Case lately made and provided be

Entered