

August Court 1740 2

Dividing each in the same County the third Tuesday of August ~~and~~ ^{and} ~~Down~~ One thousand seven hundred and forty to answer unto William Whittington of a plea of trespass upon the case. and the same day is given to the aforesaid William here.

All which day here came the aforesaid William Whittington by Francis Allen his attorney and the Sheriff returned here that he had taken the aforesaid Edward Rownd whose body he had here ready to answer unto the aforesaid William of the aforesaid plea as to him it was Comanded.

And hereupon the said William Complained against the aforesaid Edward of the aforesaid plea in form following. Somerset County s^r. Edward Rownd Late of Somerset County Gentleman was attached to answer unto William Whittington of a plea of trespass upon the case

And whereupon the said William by Francis Allen his attorney Complained that whereas the said Edward after the first day of May ~~and~~ ^{and} ~~Down~~ Seventeen hundred and four to witt on the thirteenth day of June Seventeen hundred and forty at the County of Somerset aforesaid within the Jurisdiction of this Court made his certain written writing called a promissary note with his proper hand subscribed bearing date the same day and year last mentioned and the said note to the said William then and there did deliver by which said note the said Edward did promise to pay or cause to be paid to the said William or his order the Sum of four pounds five shillings and one penny Sterling Money for value reced and by reason thereof as also by force of the statute in that case lately made and provided the said Edward became chargeable to pay to the said William the aforesaid sum of money according to the tenor of the said note and so being chargeable the said Edward in consideration thereof afterwards to witt the aforesaid thirteenth day of June Seventeen hundred and forty aforesaid at Somerset County aforesaid upon himself did assume and to the said William then and there did faithfully promise to pay him the aforesaid Sum of Money according to the tenor of the said note yett the said Edward his promise and assumption aforesaid in forme aforesaid made not regarding but plotting and fraudulently intending the said William in that part craftily and subtilly to deceive and defraud tho often thereunto requested the said sum of Money to the said William according to the tenor of the said note hath not paid or Contented but the same to him hitherto to pay hath refused and still doth refuse and deny to the damage of the said William of Eight pounds ten shillings Sterling money aforesaid and thereupon he brings

Pledg^t. John Doe. R: Roe

And the aforesaid Edward Rownd in his proper person Comes and defends the force and Injury when^d. and saith that he cannot deny the action aforesaid of the aforesaid William Whittington nor but that he did assume upon himself in manner and form as the aforesaid William Whittington above against him hath complained and as to the damage of the same William by him by Occasion of the premises in that part sustained the same Edward Rownd saith and acknowledged that the aforesaid William hath sustained damages by Occasion of the premises ~~beside~~ ^{beside} his ~~costs~~ ^{costs} and Charges by him about his suit in that part appoyed to four pounds five shillings and one penny Sterling money and not more and because the aforesaid William denies not this but the same allegation. Grants to be true prays Judgment for those damages above Acknowledged together with his costs and Charges aforesaid to him to be adjudged

Therefore by Consent of the parties aforesaid it is Considered that the aforesaid William Whittington recover against the aforesaid Edward Rownd his damages aforesaid to the aforesaid four pounds five shillings and one penny Sterling money by the same in form aforesaid Acknowledged as also Two hundred and thirty ~~...~~ pounds of tobacco for his ~~costs~~ ^{costs} and Charges aforesaid to the same William at his request by the Court now here of the assent of the parties aforesaid adjudged which certain damages in the whole amount to four pounds five shillings and one penny Sterling Money and Two hundred and thirty pounds of tobacco and the aforesaid Edward in money

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