

August 1762

At which day here came the P. Mills and Den by their Attorney of the Sheriff's Office & Ephraim Wilson
 now here returned that he had taken the P. William Daily whose body here at this day he had ready to
 the P. Mills and Den of the P. place to him it was commanded. Whereupon at the same day the P.
 Sheriff being solemnly called to bring the Body of the said William Daily agreeable to the Return of the Sheriff
 thereupon the P. Sheriff assigned into the P. Debt the Bail bond which he had taken for his Surety which
 the P. Mills and Den excepted of and gave them his Deeds. W. & Against the P. William Daily
 directed to the County of Somerset County as follows: Command was given to the County of Somerset
 County that they should take William Daily late of Somerset County, planter otherwise called William
 Daily if he should be found in that Parish and him safe keep so that they have his Body before the Justice of
 the Peace County Court of Somerset to be held at Business Ann. Term the third Tuesday of August Anno
 1762 to answer unto Ephraim Wilson of Aples that he Prorogues him the sum of Eight Thousand
 pounds of good Merchantable Leaf Tobacco which to him he owes and unjustly detains to. And the
 same day is given to the P. William Daily. At which day here came the P. Eph. Wilson by his
 his Attorney and the County Clerk Thomas Holbrook Gub. now here returned that he had taken the P.
 William Daily whose Body here at this day he had ready to answer the P. Eph. Wilson of the P. place
 Astoria it was commanded to. And afterwards in the same Court came the P. William Daily by
 William Hayward his Attorney and Prorogues that he Appearance may be taken to the Original Action of the
 P. James Mills and John Den who is willing to give special Bail to the P. and that the P. in the
 bond of the P. may be dismissed to. Whereupon a certain George Daily present herein Court in his proper person undertook
 for the said William Daily and assumed upon himself that if it should happen that judgment in the
 place of the said William Daily should be rendered for the P. James Mills and John Den and against the P. William Daily - the Original
 suit as that he the said William Daily should be therein convicted that then he the said William should
 pay and satisfy unto the P. James Mills and John Den the sum of Eight Thousand pounds in Execution of
 such judgment to the prison of the Sheriff of the County of Somerset in Satisfaction thereof that he the said
 Daily will do the same for him to. Whereupon the P. William Daily put in his place W. Hayward Gub. Attorney at
 Law against the P. Mills and Den in the P. place and thereupon the said P. William Daily in the P. place
 hereupon the said James Mills and John Den Prorogued Against the P. William Daily in the P. place
 for following - Somerset P. William Daily late of Somerset County planter was attached to answer
 unto James Mills and John Den of Aples of Aples of trespass - the P. to. And whereupon the said
 James and John by their Attorney Complain that whereas the said William - the said
 Day of June Anno 1762 at the County of Somerset in the sum of
 four pounds sixteen shillings and three pence of Money of Maryland for the articles in the Account here
 annexed mentioned and he thereof indebted being the said William in Consideration thereof afterwards
 to wit the day and Year of at the County of Somerset upon himself did assume and to the said James and John then
 and there faithfully promise that he the said William when he should be thereto afterwards Required the same
 of Money of P. to the said James and John he would faithfully pay and satisfy and that he the said William
 his promise and assumption - P. under and regarding the sum of Money of P. to the said James and John he
 hath not paid or them for the same in any sort contracted but that he the said William altogether hath refused to do so
 Refuse altho the same be afterwards lent the day and Year of at the County of Somerset since that time by
 the said James and John Required to the Damage of the said James and John ten pounds of Money of Maryland
 and thereof they being due to -

And the P. William Daily by his Attorney P. Com. and Defends the same and prorsogues that he
 saith that he cannot deny the Action of the P. Mills and Den nor that he did assume upon himself
 in manner as the P. Mills and Den above Against him hath Complain and do to the Damage
 of the said Mills and Den by him by Omission of the promise in that part sustained the same W. L. H. and
 acknowledged that the P. Mills and Den hath sustained Damages by Omission of the promise for beyond
 his Cost and Charges by him about his Suit in that part Appraised to four pound Eighteen Shillings and three pence
 of Money and not more and because the P. Mills and Den deny at this that the same Allegation
 Grant

August
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