Apriill Court . . 1723

Charles Ratcliff Exr. of Nathl: Ratcliff — Plt.
William Martindale — Deft.

Command was given to the Shrff. of Sommersett County that he Should take William Martindale of allhollows Parish in the County of Sommersett Marriner if he Should be found in his Baliwick and him Should Safe Keep so that he might have his Body before the Justices of his Lordships County Court of Sommersett to be held at dividing Creek the third tuesday of March Ins next to Answer unto Charles Ratcliffe Executor of the Last will and testament of Nathaniel Ratcliffe Decd. dof a plea of trespass upon the Case &c. And that thereof he Should not fail &c —

And whereupon the Said Charles by francis Allen his attorney Complains that whereas the Said William the twenty ninth day of July Anno Domi One thousand Seven hundred and Ninety at a Parish and County afs within the Jurisdiction of this Court in Consideration that he the Said William then and there had and recd. of and from the afs William Nathaniel in his Lifetime One hundred thirty four Bushels of Indian Corn and One thousand fifty two pounds of tobacco at the price of twenty two pounds three Shillings and four pence in money the Said William then and there the day Year and place afs upon himself did assume and to the Said Nathaniel in his Lifetime then and there did faithfully promise that he the Said William Would account with him the Said Nathaniel Either in a good and Likely Negro man about Eighteen or twenty Years of Age or in money Provided the Said Nathaniel Should not live to purchase the Negro whose price was not to Exceed thirty four pounds when he the Said William Should be by the Said Nathaniel thereunto requested as by a certain receipt by the Said William Subscribed and here in Court Produced may appear Nevertheless the Said William his Promise and assumption afs in form afs made Nothing regarding but Clothing and fraudulently Intending the Said Nathaniel in his Lifetime in that Part Craftily and Subtilly to deceive and defraud did not and will him the Said Nathaniel in his Lifetime in a good Likely Negro man, Nor Satisfie and Pay to the Said Nathaniel the afs twenty two pounds three Shillings and four Pence according to his Promise and assumption afs nor to dof Charles in his afs Capacity after the decease of said Nathaniel at his the Same to doe the Said William by the Said Nathaniel in his Lifetime to wit on the first day of August in the Year afs and by the afs Charles after the decease of the Said Nathaniel on the first day of November Anno Domi One Thousand Seven hundred and twenty two and often afterwards at a Parish and County afs within the Jurisdiction afs he was thereunto requested but the Same to the Said Nathaniel in his Lifetime or to the afs Charles after the decease of the Said Nathaniel to pay or in any wise for the Same to Content Satisfie ~~and therein the defendant~~ and the Said William the Same to the afs Charles to pay Shee doth refuse and deny to detaining him in the Execution of the Last will and testament afs whereupon the Said Charles Saith he is worse and hath damage to the value of forty four pounds Six Shillings and Eight Pence money afs and thereupon he Brings Suite and Brings in to Court here his Letters testamentary by wch &c — Allen Pltfs. Atty. Clerg. dof. Judge Rhoe —

At which Said third tuesday of March to wit the Nineteenth day of the Same Month Anno Domi One thousand Seven hundred and twenty two being the day of the return of the Said Writt Comes the Said Charles Ratcliff Exr. as afs. by his attorney afs, and the Shrff. of Sommerset County to whom the foregoing writt was directed Likewise Comes and makes return thereof to this Court here Endorst Viz. Nil. ffor: M. Taylor Shrff.

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