

W^{ch}: Jos: McClester } Command was given to the Sher of Somersett County that he should take
 Nath: Whaley } Nathaniel Whaley late of Somersett County Claunter if he should
 be found in his Bailiwick & him should safe keep so if he might
 have his Body before the Justice of his Lordships County Court of Somersett
 to be held at ^{Weymouth} ~~Weymouth~~ the third Tuesday of March then next to answer unto
 Joseph McClester of Ayglea of Fresgaf upon the Case & that thereof he should
 not fail & and the afd Joseph McClester by Levin Gale his attly proceeded
 against the said Nathaniel Whaley in the plea afd as followeth vizt

Somersett s^{hd} Nathaniel Whaley late of Somersett County Claunter was attached to
 answer unto Jos: McClester of Ayglea of Fresgaf upon the Case &

And whereupon the said Jos: by Levin Gale his attly complained y^t whereas y^t Nath: the
 first Day of Novemb: anno dom: one thousand seven hundred & twenty six at
 Somersett County within the Jur: of this Court was indebted unto y^t Jos: in one
 thousand & twenty two pound: of Tob: a by act: hereunto annexed way in Court
 appear & being there of Indebted y^t said Nathaniel in consideration thereof
 the day & year afd at y^t place afd upon himselfe did assume and to y^t said Jos:
 then & there did faithfully promise y^t he the said Nathaniel y^t said one thousand
 & twenty two p^{ts} of Tob: to y^t said Joseph when he should be there unto requested
 he would well & faithfully pay & content never the less y^t said Nathaniel tho:
 often requested y^t said one thousand & twenty two p^{ts} of Tob: to the said Joseph
 hath not paid but y^t saunt to him hitherto to pay hath refused & still doth refuse
 & demy to y^t damage of y^t Jos: of two thousand & forty four p^{ts} of Tob: thereof he
 brings suite &

Nathaniel Whaley		De	Contra	Co
1722 To 3 Levies @ 121			363	
1723 To 2 Ditto @ 140			280	Saving Errors
1724 To 2 Ditto @ 89			178	
1725 To Interest			126	J. Jos. McClester
1726 To Ditto			75	
			<u>1022</u>	

A Copy of the foregoing Deed & act: were made & sent to be served on the afd
 Nath: Whaley with y^t writt in y^t plea afd &

At which said third Tuesday of March to witt y^t twenty first day of the
 same Month anno dom: one thousand seven hundred & twenty six being the day
 of the return of the said Writt Cometh y^t Jos: McClester by his attly afd & the
 Sher of Somersett County to whom the foregoing writt was directed likewise
 Cometh & Maketh return thereof to the Court here endorsed in these words
 following vizt

And the afd Nathaniel Whaley by George Daskell his attorney Cometh and defendeth the
 force and injury when W^{ch}: said says that he cannot gain say the action afd nor but that he did
 upon himselfe assume in manner and form as the afd Joseph above against him complained
 whether can he say but that the afd Jos: hath sustained damage by Omission of the non per:
 sonal