

March Court - 1725 - (9)

vs A Southy Whittington

vs Joseph Summers brother
heir of Wm Summers

Somerset County vs Joseph Summers Late of Somerset County Planter & Brother
and heir of William Summers Late of the County of Chester dec'd. otherwise
County Mariner was Summoned to answer unto Southy Whittington
of Ablea that he render unto him eighty pounds Current money of this

Province which to him he Oweth and Unjustly detaineth or - And when upon the said
Southy by Francis Allen his attorney saith that where as the said William the Brother of him the said
Joseph whose heirs he is in his Life Time to wit the sixteenth day of May Anno Domini One thousand
Seven hundred and Twenty Three at Somerset County and within the Jurisdiction of this Court by his certain writing
Obligatory ^{which} the said Southy with the Seal of the said William signed hereto first Brought the Date
thereof in the same day and year did grant himself to be bound unto the said Southy in the sum of
Eighty pounds to be paid to the said Southy when he should be therunto requested And to the
said Payment well and truly to be made did Bind himself and his heirs by the said writing
Never the less the said William in his Lifetime and the said Joseph the brother heir of him the said
William after the death of him the said William Tho' often therunto Requested the said eighty pounds
to him the said Southy as yet has not rendered but the same to him to render have Denied and
the said Joseph the same to the said Southy as yet to render doth deny whereupon the said
Southy has waste and hath Damages to the Value of Ten pounds Current money and there
He brings Suit or - Francis Allen of the City of Philadelphia Esq. John Dool
Rud. Poo

And the said Joseph Summers brother and heir of the said William Summers dec'd by George Da-
vid his attorney Cometh and defendeth the force and Injury when &c. and prayeth Leave to Judge
herunto until the Next Court and he hath it and the same day is given to the said Southy Whitting-
ton also - At which said next Court to wit the seveneenth day of November Anno Domini
One thousand Seven hundred and twenty four came againe as well the said Southy Whittington as the
said Joseph Summers brother and heir as &c. by their attorneys &c. and thereupon the said Joseph Summers
by his said attorney prayed further Leave to Judge herunto until the next Court and he hath
it and the same day is given to the said Southy Whittington also -

At which said next Court to wit the sixteenth day of March Anno Domini One thousand Seven-
hundred and twenty four came againe as well the said Southy Whittington as the said Joseph Summers
brother and heir as &c. by their attorneys &c. and thereupon the said Joseph Summers by his said
attorney as before defendeth the force and Injury when &c. and saith that he hath not any Land or tenement
by descent or heir to the said William Summers in fee Simple, nor had at the day of Publishing the
Original writ &c. nor ever afterwards & this he is Ready to verify wherefore he prays Judgment if of
the debt &c. as heir of the said William by virtue of the said writing Obligatory he ought to be charged &c.
P. Hall Esq. J. Dool Esq. (and)