

June Court 1728 III

And whereas the same J^d. Donelson & James Martin by Lewis Gale their atty. say that whereas the said Francis was Master and had the Charge of their the same J^d. James the Ship called the at Soudsett City within the Jur^t. of this Court from the tenth day of November and Dow: one thousand seven hundred and twenty five untill the sixth day of October and Dow: one thousand seven hundred & twenty seven have- ing by the same time of whole Care Management of the said Beppell and her Cargo of all & singular the Issues & profits of the said Beppell and by the said time had received of the Money of them the said J^d. James by the hands of one Robert Dunwiddy at the Island of Bermuda that is to say at Soudsett City within the Jur^t. of this Court to Merchandize Make the profit thereof of them the same J^d. and James & to render a reasonable acc^t. to them the same J^d. James of the time the Issues profits Money &c when he should be therunto required yet the said Francis although of ten thereto required hath not rendered a reasonable acc^t. as acc^t. to the said J^d. James but the same hitherto to doe hath altogether denyed & still doth deny where by the same J^d. James say they are worse & have Dow: to the value of one hundred pounds Curr^t. Money of Maryland thereof they bring this suite &c - Lewis Gale of Quer: Pleger & J^d. doct^r the

And the said Francis Lane in his own proper person appears and thereupon the said Francis Lane at the prayer of the Left attorney and is adjudged to give Special Bail to the action and thereupon a certain John Lane and George Dashed of Somerset County Gent^l present herein first undertakes for the said Francis Lane, that if in Case the said John Donelson and James Martin shall recover Judgment in the Plea and against the said Francis Lane, or that the said Francis Lane shall be therein convicted that then he the said Francis Lane shall pay the Condemnation of the Court or render his body to the Custody of the Sher^{iff}. of Somerset County in Satisfaction thereof or that he the same John Lane and George Dashed will do it for him. -

And the said Francis Lane by George Dashed his attorney Pleas and defends of force and Injury when ~~he~~ and saith that he cannot gainay the action and of the said John and James, neither can he say but that the same Francis was bailiff of the said John and James of their ~~own~~ Money and, neither but that he the said Francis ought to amount with the said John and James of the same Money and, in form and, in which the said Left have above declared against the same Francis, and further the same Francis saith that he is ready to amount thereof &c.

Therefore it is considered that the said Francis Lane amount with the said John Donelson and James Martin of the same that he was Bailiff and Receiver of the Money and, and that he be in Mercy because he has not before amounted thereupon Thomas Blair, Nathaniel Barber and Isaac Morris Gent^l. are by the Court here and Consent of the Bailies appointed auditors -