

November Court --- 1734 --- (233)

and assumption aforesaid in manner and form aforesaid made little regarding but minding & fraudulently Intending the aforesaid Comfort in that part craftily and subtilly to deceive and Defraud the aforesaid sum of Eleven pounds fifteen Shillings and Seven pence to the aforesaid Comfort hitherto hath not paid but the same to her hitherto to pay hath denyed and still doth deny altho thereto on the first day of August in the year afores. at Somerset County aforesaid within the Jurisdiction of this court and often afterwards by the said Comfort thereto required Whereupon the same Comfort says she is the worse twenty three pounds current money of Maryland and thereof she brings Suit & Pledges &c. In Doe Ri. Roe

D. M. Heber Whittingham 1733
To 30 days work of 2 negres @ 3/4 £ 5 00 00
To 54 days work of 2 Negres @ 3/9 £ 9 12 6
To white Oak plank for 40. Vessels £ 7 00 00
21 12 6

By 6 silk Handkerchiefs @ 1/5 £ 0 11 00
By 3 3/4 yds of silk £ 0 0 1 04
By ten 1/2 yards of linnen @ 3/4 £ 0 11 15 00
By six yards of burays @ 3/4 £ 0 11 00 00
By 3 1/2 yds holland @ 3/4 £ 0 0 11 08
By 2 Cypers £ 0 0 0 6
By six yards conabriggs @ 1/6 £ 0 0 9 00
By 21 yards of linnen for 2 weeks @ 2/12 £ 0 0 2 00
By 11 1/2 yds of linnen @ 1/6 £ 0 0 17 3
By 2 boddie lace £ 0 0 0 2
By 5 3/4 yds blue Calico @ 4/10 £ 0 1 0 9 00
By 4 yds of Swanskin @ 4/10 £ 0 0 16 00
9 16 11
By Balance Due £ 11 15 7
£ 21 12 6

Errors Excepted of Comfort Jenkinson

Whereupon the said Heber Whittingham at the prayers of the said Comfort by her attorney afo. is adjudged to give special bail to the action afo. thereupon a certain Joshua Caldwell of Somerset County Gent. present here in Court in his proper person undertook for the said Heber and assumed upon himself that if in case the said Comfort Jenkinson should recover Judgment in the plea afo. against the said Heber or that the said Heber should be therein convicted that then he the said Heber should pay the Condemnation of the Court thereupon or tender his body to the prison of the Sheriff of Somerset County in Satisfaction thereof or that he the said Joshua will do the same for him &c.

Whereupon the said Heber by Francis Allen his attorney Genl. and defends the force and Injury when &c. and thereupon the said Comfort Jenkinson by her attorney aforesaid prays that the said Heber to her declaration afo. may answer but the same attorney of the said Heber says that he is not Informed by the said Heber his Client of any answer for the same Heber to the same Comfort in the plea afo. to be given and nothing else thereof says in barr or proclusion of the action afo. of the same Comfort by which the same Comfort remaineth against the said Heber thereof Undefended &c.

Wherefore the said Comfort her damages by Occasion of the non performance of the promise and assumption afo. against the said Heber ought to recover but because it is not known what damages the afo. Comfort hath sustained by Occasion of the non performance of the promise and assumption afo. therefore it is commanded the Sheriff of Somerset