

June Court . . . . . 1738 . . . . . 289

And hereupon the said Whittington King declared against the said Capell King in the plea as in form following viz<sup>t</sup>

Somerset County s<sup>r</sup> Capell King Late of Somerset County Gentleman Executor of the testament and last will of Benjamin King deceased otherwise lately called Benj<sup>m</sup> King was summoned to answer unto Whittington King of a plea that he render unto him the sum of two thousand one hundred and fifty pounds of tobacco in Cash convenient and seven pounds and seven pence half penny Curr<sup>t</sup> money of America and the sum of one thousand ninety seven pounds of Merch<sup>antable</sup> tobacco convenient which from him he unjustly detained

And whereupon the same Whittington by Charles Goldborough his attorney saith that whereas the a<sup>d</sup> Benjamin King in his life time to witt the twenty fourth day of January anno Domini seventeen hundred twenty and eighth at Somerset County a<sup>d</sup> by his certain bill obligatory which the same Whittington with the seal of the a<sup>d</sup> Benjamin King in his life time sealed hereunto sent doth bring the date whereof is the same day and year a<sup>d</sup> had acknowledged himself to owe unto the a<sup>d</sup> Whittington the sum of two thousand one hundred and fifty pounds of tobacco in Cash convenient and seven pounds and seven pence half penny Curr<sup>t</sup> money of America and the sum of one thousand ninety seven pounds of Merch<sup>antable</sup> tobacco in the whole amounting to three thousand two hundred forty seven pounds of tobacco and seven pounds and seven pence half penny Curr<sup>t</sup> money of America to be paid unto the same <sup>Whittington</sup> by ~~the~~ a<sup>d</sup> or assignes convenient demand to which payment truly to be made the a<sup>d</sup> Benjamin King did bind himself his heirs Ex<sup>ors</sup> and assigns firmly by the same bill Nevertheless the a<sup>d</sup> Benjamin King his life time and the a<sup>d</sup> Capell after the death of the a<sup>d</sup> Benjamin King altho<sup>ugh</sup> often required the a<sup>d</sup> sums of tobacco and money or any