

June Court . . . . 1737 . . . . . 77

present herein Court in his proper person appeared upon himself) that if it should happen that Judgment in the plea of in the same Court should be rendered for the same John Darby against him the said Whittington Johnson or that he the said Whittington should be therein convicted that then he the said Whittington shall pay and satisfy unto the said John Darby the Judgment of the Court - thereupon or tender his body in Execution of such Judgment to the prison of the Sheriff of the County of there to remain until the same Judgment be fully satisfied or that the said William if any will do the same for him - And whereupon the same Whittington Johnson puts in his plea Robert Jenkins Henry attorney at Law against the said John Darby of the plea . . .

Whereupon at the request of the parties, day is given to the parties and before the Justices of his Lordships County Court of Somerset to be hold at Widning Creek the third Tuesday of March then next following for the state wherein they now are saving to the parties of . . .

At which day here came as well the said John Darby as the said Whittington Johnson by their attorneys and hereupon the said John Darby declared against the said Whittington Johnson in the plea aforesaid in form following - Somerset sh. Whittington Johnson late of Somerset County planter was attached to answer unto John Darby of plea of trespass upon the case -

and whereupon the said John by George Douglas his attorney complains that whereas the said Whittington after the first day of May anno Domini MDCCLV to wit on the ninth day of November anno Domini MDCCLXXXV at Somerset County did make his certain note in Writing called a promissory note with his proper hand subscribed bearing date the day and Year last mentioned and the said note to a certain Andrew Sprout and Archibald Taylor then and there did deliver by which note the said Whittington did promise to pay to the said Andrew and Archibald or their Order One hundred twenty nine and one half bushells of Indian Corn at the town of Elizabeth on or before the first day of June next after the date of the said Note for value received and the said Andrew and Archibald afterwards to wit the day and Year last mentioned at the County of the said One hundred twenty nine and one half bushells of Indian Corn or any part thereof not being paid or satisfied by a certain Indorsement upon the said note made and with the proper hands of the said Andrew and Archibald subscribed did order and appoint the said One hundred and Twenty nine and one half bushells of Indian Corn in the note of mentioned to be paid to the said John Darby of which Indorsement the said Whittington afterwards to wit the day and Year last mentioned at the County of had notice by means whereof and by force of the statute in that case lately made and provided the said Whittington became chargeable to pay to the said John Darby the said One hundred

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