

August Court 1740 12

Attorneys afd. and hereupon the said William Ellegood declared against the afd. Heber & Whittingham in the plea afd. In form following. — Somers & Heber Whittingham Esrs of Somerset County Inholder was attached to answer unto William Ellegood of a plea of the cap upon the Case &c. —

And Whereupon the said William by George Douglas his attorney complains that whereas the said Heber after the first day of May Anno Domini MDCCCLXXVI on the first day of July Anno Domini MDCCCLXXVII at the County afd. did make his certain note in writing called a promissary with the proper hand of the said Heber, subscribed and the said note to the said William Ellegood then and there did deliver by which note the said Heber did promise to pay the said William or his order the sum of forty pounds current money of Maryland by means whereof and by force of the statute in that Case lately made and provided the said Heber became chargeable to pay to the said William the said forty pounds according to the tenor of that note and so being thereof chargeable the said Heber afterwards to witt the day and year last afd. at the County afd. in consideration thereof promised to pay the said forty pounds to the said William according to the tenor of that note Nevertheless the said Heber his promise and assumption afd. in form afd. made not regarding but minding and fraudulently intending the said William in that part craftily and subtilly to deceive and defraud the said forty pounds according to the tenor of the said note hath not paid or him for the same in any sort hitherto contented but that to do altogether hath refused and still doth refuse altho thereto afterwards to witt on the first day of August in the year last afd. at the County afd. and often since that time by the said William required Whereupon the said William says he is damaged sixty pounds current money of Maryland and thereof he brings suit &c. —

Bledges &c. J. Dose R. Rae

And the afd. Heber Whittingham by Robert Jonchins Henry his attorney Cometh and defendeth the force and Injury when &c. and prayeth Leave thereof to Imparte here untill next Court to be held at dividing Creek the third Tuesday of June then next following and he hath it and the same day is given to the afd. Wm here also &c. —

At which day here came againe as well the afd. William Ellegood as the afd. Heber Whittingham by their attorneys afd. And Whereupon the said Heber prays further Leave thereof to Imparte here untill next Court to be held at dividing Creek the third Tuesday of August then next following and he hath it and the same day is given to the afd. William here also &c. —

Att