

November Court . . . . . 1741.

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The Cause of Action of Francis Allen against Israel Holland Late of Somerset County Mariner and Esther his wife Adm<sup>r</sup> of the goods Chattles and Credits which were of John Harristoy late of Somerset County Surgeon deceased is for the Articles of the within Account as they are therein mentioned the said Francis haveing paid the severall quantities of tobacco within mentioned at the Especiall request and Instance of the said John in his life which the said John in his life and the said Esther after the death of the said John and before her marriage with the said Israel or the said Israel and Ester after there Intermarriage or either have in no sort paid to the said Francis Allen --

A Copy of the foregoing short note and account Expressing the Cause of Action were made and Sent to be Left at the Last place of the abode of the aforesaid Defts. according to act of assembly in such Case made and provided -- At which said third Tuesday of November to witt the seventeenth day of the same month Anno Dom<sup>o</sup>

one thousand seven hundred and forty one at a Court then held at dividing Creek before his Lordships Justices in and for the County of - Came the a<sup>s</sup> Francis Allen by George Douglas his Attorney and offered himself against the a<sup>s</sup> Israel and Esther of the a<sup>s</sup> plea and the a<sup>s</sup> Sheriff returned and testified to the Court here that the a<sup>s</sup> Israel and Esther are not found, nor either of them found and further the said sheriff returned that he had left a copy of the a<sup>s</sup> short note Expressing the Cause of Action & -

And the said Francis Allen complained of the a<sup>s</sup> Defendants in the plea a<sup>s</sup> in form following - Somerst s<sup>r</sup> Israel Holland and Esther his wife Adm<sup>r</sup> of the goods Chattles and Credits which were of John Harristoy late of Somerset County Surgeon deceased were attached to Answer unto Francis Allen of a plea of trespass upon the Case & -

And Whereupon the said Francis Allen by George Douglas his Attorney complains that whereas the said John Harristoy in his life to wit on the tenth day of March Anno Dom<sup>o</sup> one thousand seven hundred and thirty at the County a<sup>s</sup> was indebted to the said Francis in two thousand one hundred and ninety . . . one pounds of tobacco for sundry matters properly in Account Chargeable as by Account thereof hereto annexed may appear and so thereof indebted being in Consideration thereof afterwards to witt on the day and year a<sup>s</sup> at the County a<sup>s</sup> on himself did Assume and to the said Francis then and there faithfully promise that he the said John the said two thousand one hundred and ninety <sup>one</sup> pounds of tobacco to the said Francis when he should be afterwards thereto required he would faithfully pay and Content Nevertheless the said John in his life his promise a<sup>s</sup> in form a<sup>s</sup> made not regarding but minding and fraudulently intending the said Francis in that part craftily and Subtly to deceive and defraud the said quantity of tobacco or any part thereof to the said Francis in his life did not pay but that to doe altogether did refuse and the said Esther after the death of the said John and before her Intermarriage with the said Israel and the said Israel and Esther since their intermarriage the same to the said Francis have not paid but that to doe have altogether refused and still doth refuse altho' the said John in his life afterwards to witt the day and year a<sup>s</sup> at the County a<sup>s</sup> and the said Israel and Esther after the death of the said John and Adm<sup>r</sup> in due form of Law to the said Esther committed vid on the first day of Juny Anno Dom<sup>o</sup> m<sup>o</sup>cc<sup>o</sup>xxix at the County a<sup>s</sup> and often since that time by the said Francis required whereupon the said Francis say he is damnyed fifty pounds Curr<sup>t</sup> money of Maryland and thereof he brings Suit & -

Whereupon the a<sup>s</sup> Francis Allen by his attorney aforesaid Prays that for as much as he hath Complied with the Law in Order to an attachment he may have Judgm<sup>t</sup> against the aforesaid Israel Holland