

of A William Whittington
 vs Wm. Colbert

Command was given to the sheriſſe of Somerset County that he should take William Colbert late of Somerset County planter if he should be found in his bailiwick and him should safe keep so that he might have his body before the Justice of his Lordships County Court of Somerset to be held at Dividing Creek in the same County the third Tuesday of August Anno Domini thousand seven hundred and forty to answer unto William Whittington of a plea of trespass upon the Case. And the same day is given to the aforesaid William Whittington here &c.

At which day here came the aforesaid William Whittington by Francis Allen his Attorney and the sheriſſe returned that he had taken the aforesaid William Colbert whose body here at this day he had ready to answer the aforesaid William Whittington of the aforesaid plea as to him it was Comanded.

And hereupon the said William Whittington Complaind against the aforesaid William Colbert of the aforesaid plea in form following Somerset County vs William Colbert late of Somerset County planter was Attached to answer unto William Whittington of a plea of trespass upon the Case.

And whereupon the said William Whittington by Francis Allen his Attorney Complaind that whereas the said William Colbert after the first day of May Anno Domini seventeen hundred and five to witt on the first day of April seventeen hundred and forty at the County of Somerset aforesaid within the Jurisdiction of this Court made his certain note in Writing called a promisory note with his proper hand subscribed bearing date the same day and year last mentioned and the said note to the said William Whittington then and there delivered by which said note the said William Colbert did promise to pay to the said William Whittington or his Order the sum of four pounds three shillings current money of Maryland and by reason thereof as also by force of the statute in that Case lately made and provided the said William Colbert became chargeable to pay to the said William Whittington the aforesaid sum of Money according to the tenor of the said note and so being chargeable the aforesaid William Colbert in consideration thereof afterwards to witt the aforesaid first day of April seventeen hundred and forty aforesaid at Somerset County aforesaid upon himself did assume and to the said William Whittington then and there did faithfully promise to pay him the aforesaid sum of money according to the tenor of the said note yett the said William Colbert his promise and assumption aforesaid in forme aforesaid made nothing regarding but plotting and fraudulently Intending the said William Whittington in that parte craftily and subtilly to deceive and defraud the said William Whittington requested the said sum of money to the said William Whittington according to the tenor of the said note hath not paid or contented by the same to him hitherto to pay hath refused and still doth refuse and deny to the damage of the said William Whittington of eight pounds six shillings current money of Maryland aforesaid and thereupon he brings Suit &c. *Judge J. John Doe. vs Roe*

And the aforesaid William Colbert in his proper person comes and defends the force and Injury when &c. and saith that he cannot deny the action aforesaid of the aforesaid William Whittington nor but that he did assume upon himself in manner and form as the aforesaid William Whittington above against him hath Complaind and as to the damage of the same William Whittington by him by occasion of the premises in that part sustained the same William Colbert saith and acknowledged that the aforesaid William Whittington hath sustained damages by occasion of the premises beyond his costs and Charges by him about his Suit in that part apposed to four pounds three shillings current money of Maryland and not more and because the aforesaid William Whittington denies not this but the same Allegation grants to be true pray Judgment for those damages above acknowledged together with his costs and Charges aforesaid to him to be Adjudged &c.

Therefore by Consent of the parties as it is Considered that the aforesaid William Whittington recover against the aforesaid William