

March Court.

1740 86

At which day here came the *af.* Francis Allen in his proper person and the sheriff to wit John Henry Gent. now here returned that he had taken the *af.* William Whittington whose body here at this day he had ready to answer the *af.* Francis Allen of the *af.* plea as to him it was commanded

Whereupon at the prayer of the *af.* Francis Allen the *af.* William Whittington is adjudged to give speciall bail to the action *af.*

Thereupon came hereinto Court a certain Edmund Hough of Somerset County Gentleman in his proper person and undertook for the said William Whittington and assumed upon himselfe that if it should happen that Judgment in the plea *af.* should be rendered for the same Francis Allen against the said William Whittington or that the same William Whittington should be therein convicted that then he the said William Whittington should pay and satisfy unto the said Francis the Judgment of the Court thereupon or render his body in Execution of such Judgment to the prison of the Sheriff of the County *af.* in satisfaction thereof or that he the same Edmund Hough will doe the same for him.

Whereupon the *af.* William Whittington puts in his place George Douglas Gentleman attorney at Law against the *af.* Francis of the plea *af.*

And thereupon at the request of the parties *af.* day is to them now here given until next Court to be held at dividing Creek in and for the County *af.* the Tuesday of August then next following in the same State as at present saving to the parties *af.*

At which day came again as well the *af.* Francis Allen in his proper person as the *af.* William Whittington by his attorney *af.* and hereupon the said Francis complained of the *af.* William in the plea *af.* in the following

Somerset County *af.* William Whittington Late of Somerset County Gentleman was attached to answer unto Francis Allen of a plea of trespass upon the Case *af.*

And whereupon the said Francis in his own proper person complains that whereas the said William the twenty sixth day of August Anno Domini Seventeen hundred and thirty two had accounted with the said Francis of divers sums of tobaccos and money by the said William to the said Francis then due in arrears being and unpaid and upon that accounting the said William then and there was found in Arrear towards the said Francis in nine thousand and Seventy Pounds of tobaccos and so being in Arrear found the *af.* William afterwards to wit the *af.* twenty fourth day of August in the year *af.* at the County *af.* in consideration thereof upon himselfe did assume and to the said Francis then and there did faithfully promise that he the said William the *af.* nine thousand and Seventy pounds of tobaccos to him the said Francis or his assigns or order by the tenth day of November then next ensuing he would well and faithfully pay and content and the said Francis in fact saith that the said William on the *af.* tenth day of November did not satisfy and pay to him the said Francis the *af.* sum of nine thousand and Seventy Pounds of tobaccos and that he the said Francis did not assign or order the same to be paid to any person whatsoever and altho