

August Court ----- 1723 --- 104

All which said third tuesday of August to wit the twentieth day of the same month and Dowd. One thousand Seven hundred and twenty three Being the day of the return of the said Writ Cometh the said Benjamin Wailes by his attorney afo and the Sheriff of Somerset County to show the foregoing Writ was directed Likewise Cometh and Maketh return there of to the Court here in-  
done in these words following viz. — Legi Cogit of me Joseph M<sup>r</sup> Carter Sheriff —

Where upon the said Richard Holland a d<sup>nt</sup>. of the afo Charles Shewell in his own proper person Cometh & defendeth the force and injury whereof and saith that he cannot gain say the justness of his action afo so as afo against him brought nor can he say but that the said afo ought to recover his damages by Quasion of the premises afo to the sume of twelve hundred and One pound of tobacco and Costs of Suite to be Levied of the goods and Chattels which were of the said Charles Shewell de'd. at the time of his death which to his hands here after should come to be administered which the said afo does not gain say &c

Therefore it is Considered by the Justices here the twentieth day of August and Dowd. One thousand Seven hundred and twenty three that the said Benj<sup>s</sup> Wailes recover against the said Richard Holland <sup>ad<sup>nt</sup> as afo</sup> as well the sume of Twelve hundred and One pound of tobacco Certain damages afo in form afo confessed as also the sume of two hundred & fifty two pounds of tobacco by the Court here adjudged in to time for his Costs and Charges by him about his Suite in this Behalfe Said Out and Expended to be Levied of the goods and Chattels which were of the said Charles Shewell at the time of his death and which to the hands of the said Richard Holland a d<sup>nt</sup>. as afo here after shall come to be administered & Def<sup>nt</sup> in Money &c

ff. The same Command was given to the Sheriff of Somerset County that he should take Cornelius Wooderson: son of Stequoy Carish in Somerset County Glouster if he should be found in his Bailiwick and him should safe keep so that he might have his Body Before the Justices of his Lordships County Court of Somerset to be held at Dividing Creek in Somerset County afo the third tuesday of August then next to answer unto Benjamin Wailes of a plea of trespass upon the Case &c and that thereof he should not fail &c and the said Benj<sup>s</sup> Wailes by Francis Allen his attorney declared against the said Cornelius Wooderson in the plea afo as followeth viz. — Somerset County ff. Cornelius Wooderson son of Stequoy Carish in Somerset County Glouster was attached to answer unto Benjamin Wailes of a plea of trespass upon the Case &c

And where upon the said Benjamin by Francis Allen his attorney Complains that Whereas the said Cornelius the first day of may and Dowd. One thousand Seven hundred and twenty three at the parish and County afo within the Jurisdiction of this Court was indebted unto the said Benjamin in Eleven hundred and twenty five pounds of tobacco for Levies Sheriff fees and publick dues and for bearance there upon to the said Benjamin then and there due owing and unpaid as by an a<sup>nt</sup>. thereof returned annexed may in Court appear and Being so thereof indebted the said Cornelius in Consideration thereof afterwards to wit the day and year afo at the place afo in Consideration thereof did assume upon himself and unto the said Benjamin then and there faithfully did promise that he the said Cornelius the afo Eleven hundred and twenty five pounds of tobacco to the said Benjamin when he should be after ward there unto required he would well and faithfully pay and Content Nevertheless the said Cornelius his promise and assumption afo in form afo made little regarding but plotting and fraudulently Intending the said Benjamin in that part craftily and subtilly to deceive and defraud the afo Eleven hundred and twenty five pounds of tobacco to the said Benjamin he hath not paid or to him for the same in any sort Contented at this the same to doe the said Cornelius by the said Benjamin (or)