

Whome of foregoing Writts was Directed likewise Cometh Maketh Return thereof to the Court here Endowed in these words following vizt — *Capi Capius dicitur ad iudicium* in time of Francis Allen Sher —

And of said Randell West being present here in Court is at y<sup>e</sup> prayer of the B<sup>ys</sup> attly ad ad judged to give Special Bail to y<sup>e</sup> action of there upon a certain W<sup>m</sup> West & Anthony West both of Southsett County Clauter present here in Court undertake for y<sup>e</sup> said Randell West y<sup>e</sup> if in case of y<sup>e</sup> said Jos. McCarter shall recover Judgment in y<sup>e</sup> plea of against the said Randell West or y<sup>e</sup> said Randell West shall be therein convicted y<sup>e</sup> then he the said Randell West shall pay the Condemnation of the Court there upon or tender his Body to y<sup>e</sup> Custody of y<sup>e</sup> Sher of Southsett County in Satisfaction hereof y<sup>e</sup> they y<sup>e</sup> said W<sup>m</sup> West & Anthony West will do it for him &c.

And the said Randell West by George Daskall his attorney comes and defend the same and Injury when W<sup>d</sup> and the same attorney says that he is not Informed by the same Randell West his Agent of any answer for the same debt to the said B<sup>ys</sup> in the plea of to be given and nothing else thereof says by which the same y<sup>e</sup> Plaintiff against the said Debt here of undefended — wherefore the said Joseph his Damages by Occasion of the Non performance of the Promise and assumption of against the said Randell ought to recover —

Whereupon at the Prayer of the said Joseph and by the Consent of the said Randell the Justice here attending to act of asembly in such case made and provided did award the Damages of same y<sup>e</sup> Plaintiff by Occasion of the non performance of the promise and assumption of besides his Costs and Charges by him about his Suite in that Part Expended to; two thousand and thirty One pounds of Tobacco

Therefore it is Considered that the said Joseph McCarter recover against the said Randell West two thousand and thirty One pounds of Tobacco his Damages of by the Justice of in form of a paper as also from hundred and fifty eight pounds of Tobacco for his Costs and Charges by him about his Suite in that Part Expended to the same Joseph by the Court here of his a part ad judged and the said Debt in mercy W<sup>d</sup> —

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The same Commission was given to the Sher of Southsett County that he should take Anthony West late of Southsett County Clauter if he should be found in his Bailwick & him should safe keep so y<sup>e</sup> he might have his body before the Justice of his Lordships County Court of Southsett to be held

at Dividing Creek y<sup>e</sup> third Tuesday of March then next to answer unto Jos. McCarter of a plea of Trespass upon the Case &c. that there of he should not fail to do and the said Jos. McCarter by Levin Gale his attly declared against y<sup>e</sup> said Anthony West in the plea of as followeth vizt — Southsett of Anthony West late of Southsett County Clauter was attached to answer unto Jos. McCarter of a plea of Trespass upon y<sup>e</sup> Case &c. And whereupon y<sup>e</sup> same Jos. McCarter by Levin Gale his attly complains y<sup>e</sup> whereas y<sup>e</sup> said Anthony West on the day of Novemb<sup>r</sup> Anno Domini one thousand seven hundred and twenty six