

March Court - 1724 - 9

And the said Southy saith that he by any thing by the said Joseph above in his plea alledged ought not to be barred from having his action and because he saith that at a day of the Impetration of the Original Writ of him the said Southy against him the said Joseph to wit on the twelfth day of June and Dowd. One thousand seven hundred & twenty four the said Joseph had Lands and tenements sufficient by hereditary descent of the said William Summers his brother in fee simple, whereof him the said Southy of his debt of the said Satisfie to wit at Somerset County within the Jurisdiction of this Court and that he prays may be Enquired of by the Country &c. - for Allowance &c. and to Do so in like manner. - Disheele

Whereupon Command is given to the Sheriff of Somerset County that immediately he cause to come here twelve &c. by whom &c. who neither &c. to Recognize &c. because as well &c. of which said precept the said Sheriff to wit Joseph M^r Gaster Gentleman Now hereat to wit this sixteenth day of March and Dowd. One thousand seven hundred & twenty four makes Return that he hath ^{been} ready twelve &c. as by his ^{precept} he was Comanded, and Now here afterwards to wit the same day or year same as well the said Southy Whittington as the said Joseph Summers Son & heir as &c. by their attorneys &c. and the Jurors of that Jury Impannelled, who being called Likewise (une to wit, William Handy, Thomas Sayfield, Peter - Hager, Charles Townsend, Samuel Alexander, Underwood Rencha, Richard Chambers, Thomas Holbrook, Robert Mitchell, William Bratton, Thomas Glier, and John Caldwell Jun^r, who being duly Oathed tryed and Sworn to say the truth in the premises upon their Oath do say that the same Joseph Summers brother and heir to the said William Summers (to wit on the twelfth day of June one thousand seven hundred and twenty four) had Lands and tenements sufficient by hereditary descent in the County of Somerset which was the said William Summers in fee simple whereby he could Satisfie unto the said Southy Whittington his debt &c.

Therefore it is Considered by the Court here the sixteenth day of March and Dowd. one thousand seven hundred & twenty four that the said Southy Whittington Recover against the said Joseph Summers brother and heir of the said William Summers, as well the sume of Eighty pounds Cur^{re} money of this province his debt &c. as also the sume of Sixteen hundred and Eleven pounds of to be paid his damages ^{which he} sustained by reason of the detaining that same debt, which to the same Southy of his account by the Court here adjudged, and the said Defend^r in Mercy &c.

By Philip Covington ag^t Noble Hobbs Esq^r - This being an action of trespass upon the Case &c. wherein the Sheriff of Somerset County to whom the writ in the same action was directed Cometh &c. and the Return there of Endorsed in these words following viz. Copy for as to us for M^r Gaster &c. and as to Noble Hobbs Non est Inscelus

Whereupon the said Elizabeth Hobbs wife of the said Noble Hobbs in her own proper person appears, and thereupon the said Elizabeth Hobbs at the prayer of the said attorney is adjudged to give special bail to the action &c. thereupon a certain Joy Hobbs of Somerset County Esq^r present herein Court undertakes for the said Elizabeth Hobbs, that in case the said Philip Covington shall Recover Judgment in the Case &c. against the said Elizabeth Hobbs, or that the said Elizabeth Hobbs shall be therein found

(that)