

He said Theophilus Dennis do at any time within a year and a day appear and make all or any part of the said Joshua Merrile's claim against him appear to be satisfied or otherwise to have been made due before the Laying of this attachment that then the said Joshua Merrile shall make restitution unto him the said Theophilus Dennis of all or such part thereof as shall be made appear to be undue &c.

Therefore it is considered that the aforesaid has fears of the value of thirty shillings each so as aforesaid attached as the goods and chattels of the aforesaid Theophilus Dennis, be condemned in the hands of the said David Goggin towards satisfying unto the said Joshua Merrile his damages and all costs awarded upon the writ of attachment aforesaid, and also it is considered by the Court here that the aforesaid Joshua Merrile recover against the said David Goggin one hundred and eighty four pounds of tobacco for his costs and charges by the Court here at his request amounting to act of assembly adjudge, and that the said Joshua have thereof execution &c.

184
 John Fleming } Command was given to the Sher. of Somerset County that
 William Smith } he should take William Smith late of Somerset County
 app^r in custody } Chyrurgeon 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 Dinding Creek the
 third Tuesday of June next to answer unto John Fleming of a plea of
 trespass upon the Case &c. And that thereof he should not fail &c.

At which said third Tuesday of June to wit the twentyeth day of the same month and Dow. One thousand Seven hundred and thirty two came the said John Fleming by Francis Allen his attorney and the Sher. of Somerset County to whom the foregoing writ was directed &c. Likewise came and made return thereto of to the Court here endorsed in these words following vizt. - Epi Corpus ff Joshua Caldwell Sher.

whereupon the said William Smith being called appears and thereupon the said William Smith at the prayer of the aforesaid John Fleming by his attorney aforesaid is adjudged to give special bail to the action aforesaid but for want thereof the said William Smith is committed into the custody of the Sher. of Somerset County aforesaid thereto to remain &c. the said Sher. to wit Joshua Caldwell hath present here in Court taken charge of said William Smith accordingly &c. thereupon day is given to the said William Smith in custody as aforesaid until next Court and the same day is given to the said John Fleming also &c.

whereupon the said John Fleming by his attorney aforesaid complains against the said William Smith in custody as aforesaid as follows vizt. - Somerset J. William Smith late of Somerset County Chyrurgeon was attached to answer unto John Fleming of a plea of trespass upon the Case &c. - And Whereupon the said John by Francis Allen his Attorney complains that whereas the said William the tenth day of Novemb^r Seventeen hundred and thirty one at the County of Somerset aforesaid within the Jur. of this Court was indebted unto the said John in