

And the afd. Neale saith that the plea afd. of the afd. Elizabeth in her Capacity afd. in manner & form afd. above pleaded and the matter in the same contained are insufficient in Law to preclude him the D. Neale from having his action afd. against her to which plea the said Neale hath no need nor by the Law of the Land is he held in any sort to answer And this he is ready to verify wherefore for want of a sufficient plea of the afd. Elizabeth in that part the said Neale prays Judgment and his Debt afd. together with his damages by Occasion of the detaining of his said Debt to him to be adjudged

And the afd. Elizabeth for that she hath above alleged sufficient matter in Law the afd. Neale from having his action afd. agt. her to preclude which same matter the same Neale hath not gainwayed but that Verification to admit altogether hath refused as before prays Judgment and that the afd. Neale from having his action afd. against her may be precluded &c.

Butt because the Court here of their Judgment of and upon the premises to render as yett will advise day is given to the parties afd. until next Court to be hold for Somerset County at Dividing Creek the third Tuesday of August next of hearing thereof their Judgment of and upon the premises afd. for that the Court now here as yett &c.

At which said next Court to wit the twentieth day of August and Dow. One thousand Seven hundred and thirty four before the Justices of his Lordships County of Somerset hold at Dividing Creek some the parties afd. by their attorneys afd. and upon this being seen and by the Court now here diligently inspected and all and singular the premises fully understood and mature Deliberation thereupon had it seems to the Court now here that the plea afd. by the afd. Eliz. in manner and form afd. above pleaded and the matter in the same contained is not sufficient in Law to the afd. Neale of his action afd. there of against the afd. Eliz. to have and preclude

Therefore it is considered that the afd. Neale in Easter Recover against the afd. Elizabeth Nicholas and as afd. his debt afd. and his damages by Occasion of the detaining of the same debt to be 675 hundred and seventy five pounds of tobacco to the same Neale of his afd. by the Court here adjudged of the goods and Chattells which were of the afd. John at the time of his death in the hands of the same Eliz. to be administered if so much in her hands she hath or if so much in her hands she hath not then the damages afd. to be Levied of the proper goods and Chattells of the afd. Eliz. and the same Eliz. in mercy &c.

Wm Gunn } Somerset County s. Francis Elliott late of Somerset County Blacksmith was
attached to answer unto William Gunn of a plea of trespass upon the Case of
D. Francis Elliott. And whereupon the same William Gunn by Wm Beckingham his
(Attorney)