Cond again again as well the aft James Donelson as the aft. Heber Whittingham by their Attorneys aft. And the aft Heber Whittingham saith that the Surefaciat aft and the matter in the same Cont: tained are altogether insufficient in Law and that he there to hath noe need or by the Law of the Land is held to answer and this he is Ready to verifie wherefore for want of a sufficient writt in this Case the said Heber prays Judgment and that the aft James from having Execution thereon may be precluded &c. Joyned in demurr

Thereupon the said Heber Whittingham relinquisheth his Verification aft by him above alledged and says that he cannot gainsay but that he owe the aft James the aft twenty five thousand Seven hundred pounds of tobacco in form as the same James by his writt of Surefacias aft above Suggested, nor but that the Same James Execution of the aft twenty five thousand Seven hundred pounds of tobacco according to the form of the Recovery aft against him to have Ought the —

Therefore it is Considered that the aft James Donelson have Execution against the aft Heber Whittingham of the aft Twenty five thousand Seven hundred pounds of tobacco his damages aft Likewise the aft James Donelson according to the form of the Statute in Such Case Lately made and provided

046 Recover against the aft Heber three hundred & forty Six — — pounds of tobacco for his Costs and Charges Sustained by Occasion of delay of Execution of the damages aft the —

FA Robt Watson } Somerset County ss } Be it Remembred that on the

013 James Shirley } Twenty first day of November Anno Dom Seventeen hundred and thirty two, Came here into Court Robt Watson by Francis Allen his Attorney and Exhibitted to the Justices of the Right Honourable — the Lord Proprietory here his Certain Bill agt James Shirley Gent. one of the Attorneys of the County Court of the Right Honourable the Lord Prop. here present in Cort. in his proper Person of a plea of Trespass upon the Case &c. the Tenor of which Bill follows in these words viz. To the Justices of the Right Honourable the Lord Proprietory his County Cort here now held for the County of Somarsell ss Robert Watson by Francis Allen his Attorney Complains of James Shirley one of the Attorneys of the County Court of the Right Hon. the Lord Prop. present here in Court in his Proper Person of a plea of Trespass upon the Case &c. for that Whereas the said James the Sixteenth day of June Seventeen hundred and thirty one at Somarsell County within the Jurd of this Cort was indebted unto the said Robt in four pounds Cash as by a certain note by the said James under signed Ready here in Court to be Produced date the day and year afores may appear and being so thereof indebted the said James in and by the said note in Consideration thereof the day and year afores at the place afores by the Note aft. upon himself did Assume and to the said Robt then and there did faithfull

promise