

August Court 1735 75

And the aforesaid John Horsey by William Goldborough his attorney Cometh and defendeth the force and injury when &c. and saith that he cannot gain say the action of the afo Joshua Caldwell nor can he say but that the said William Horsey in his life time did assume upon himself in such manner and form as the afo Joshua Caldwell above against him hath complained and as to the damage of the same Joshua by him by occasion of the premises in that part Sustained the same John saith and Confesseth that the afo Joshua hath Sustained Damages by occasion of the premises beyond his Costs and Charges by him about his suit in that part apposed to three thousand One hundred and twenty eight pounds of tobacco and not more and because the afo Joshua deny not this but the same allegation Confesseth to be true pray Judgment for those damages above Confessed together with his Costs and Charges afo to him to be adjudged &c.

Therefore by Consent of the parties afo it is Considered that the afo Joshua Caldwell recover against the said John Horsey Executor of the afo William Horsey Dec. his damages afo to the afo three thousand One hundred and twenty ^{eight} pounds of tobacco in form afo Confessed as also nine hundred and sixty One ^{eight} pounds of tobacco for his Costs and Charges afo to the same Joshua Caldwell by the Court here and Consent of the parties afo adjudged to be Levied of the goods and Chattell which were of the afo William Horsey at the time of his death in the hands of the said John Horsey remaining to be administered if so much in his hands he hath, and if so much in his hands he hath not, then the Costs afo to be Levied of the proper goods and Chattell of the said John Horsey and the afo Defton Mery &c.

Rt Hon^{ble} Cap^t William Campbell
Gen^l William Kitchen

Command was given to the Sheriff of Somerset County that he should take William Kitchen late of Somerset County Manner if he should be found in his Bailly with and him should safe keep so that he might have his body before our Justices of the County Court of Somerset to be held at Dwiding Creek the third Tuesday of August then next to answer unto William Campbell of a plea of trespass upon the Case &c. and that there of he should not fail &c.

And the aforesaid William Campbell by Robert Jenkins Henry by his attorney Complain against the said William Kitchen in the plea afo as followeth vizt.

Somerset County vs. William Kitchen late of Somerset County Manner was attached to answer