

about his defence (as well at Common Law as in equity) as judged according Law in such Cases made and provided and that the said George Howard have none of his Execution against the said John Hendry &c

R. H. Cap. John Tunstall
H. H. Cap. John Deear

Command was given to the Sheriff of Somerset County that he should take John Deear late of Somerset County planter 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 dividing Creek the third tuesday of March then next to answer unto John Tunstall of a plea of trespass upon the &c. And that thereof he should not fail &c. All which said third tuesday of March to witt the eighteenth day of the same month Anno Domini One thousand seven hundred and thirty four being the day of the return of the said Writ cometh the said John Tunstall by Robert Jenkins Henry his attorney and the Sheriff of Somerset County to whom the foregoing writ was directed Likewise cometh and maketh return thereof to the Court here. Endorsed in the words following viz

Copi Corpus - ff Jos. Macclister Sher

And the aforesaid John Deear by George Douglas his attorney cometh and defendeth the same and prayeth Leave thereof to Imple here while next Court and he hath it and the same day is given to the aforesaid John Tunstall here also &c

All which said next Court to witt the seventeenth day of June Anno Domini One thousand seven hundred and thirty five came againe as well the aforesaid John Tunstall as the aforesaid John Deear by their attorney aforesaid and whereupon the same John Deear prayed further Leave thereof to Imple here while next Court and he hath it and the same day is given to the aforesaid John Tunstall here also &c

All which said next Court to witt the nineteenth day of August Anno Domini One thousand seven hundred and thirty five came againe the said John Deear by his attorney aforesaid and offers himself against the said John Tunstall in the plea aforesaid but the said John Tunstall altho' solemnly called cannot nor is his writ aforesaid further prosecuted against the said John Deear &c

Therefore and his pledges of prosecuting be in mercy and let the plaintiff name pledges &c. and that the aforesaid John Deear go thereof without day and also it is considered that the aforesaid John Deear recover against the said John Tunstall his damages by Omission of the premises

169 to One hundred and Sixty Nine pounds of Tobacco to the same John Deear by Direction of the Justices here at his request for his Costs and Charges in that part sustained according to the form of the Statute by the Court here; Edm &c