

June Court 1738 - 295

of her pap upon the case &c. and the same day is given to the ^{of} John there &c.
And the ^{of} John Certified the cause of the action ^{of} in form following viz The Cause

of action in this case is for that the said John Haristoy in his Life time received two thou-
sand four hundred pounds of Tobaco in Lieu of ten pounds Curr. money in gold or
Silver of a certain Thomas Lord for the use of John Rusell ^{of} and no payment hath
been made thereof to the said Rusell by the said Haristoy in his Life time or by the said

Israel and Esther or either of them since the death of the said John Haristoy. &

a copy of the foregoing Instrument of Writing was made and sent to be kept at the
Last place of abode of the defend^t. according to act of assembly in such case provided &

At which day here before his Lordships Justices at a Court then held at Dividing Creek
came the ^{of} John Rusell by George Douglas his attorney and the Sheriff of Somerset

County to wit John Henry Gant now has returned that the ^{of} Israel Holland & Esther
his wife were not found in his bailly widd^e. And hereupon the said John Rusell

declared against the ^{of} Israel Holland and Esther his wife in the plea ^{of} in form follow-
ing viz Somerset s^r. Israel Holland Sale of Somerset County Merchant and

Esther his wife admt^e of all and singular the goods Chattells and Creditt which were
of John Haristoy Sale of Somerset County Merchant dec^d. were attached to answer unto

John Rusell by plea of her pap upon the case &c. &c.

And whereupon the said John Rusell by George Douglas his attorney Complain^{ing}
that whereas the said John Haristoy in his Life time to wit on the first day of

May anno. Dom. MDCCXXXIII at the County ^{of} was indebted to the said John
Rusell two thousand four hundred pounds of Tobaco for the like quantity of Tobaco

by the said Haristoy in his life of a certain Thomas Lord for the use
of the said John Rusell before that time had and received as by acc^t.

thereto annexed may appear and so being thereof indebted
or consideration thereof afterwards to wit the day and year ^{of} at the

County ^{of} upon himself did assume and to the said John Rusell then
and there faithfully promise that he the said Haristoy the said quantity

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