

November Court --- 1743 --- 183

the said fifteen hundred and sixty pounds of tobacco to the said Jacob and Thomas or to Either of them as yett hath not rendered - but the same to them hitherto to render hath denied and still doth deny and unjustly detains &c Whereupon the said Jacob and Thomas say they are worse and have damage to the value of two thousand pounds of tobacco and thereupon they bring suit &c

A copy of the foregoing declaration was made and sent to be served on the defendant with the writt in order for a speedy tryall -
At which day here came the as^s. Jacob Hindman and Thomas Stewart by there Attorney as^s and the sheriffe to wit John Handy Gent. now here returned that he had taken the as^s. William Willoughby James whose body hereat this day he had ready to answer the as^s. Jacob Hindman and Thomas Stewart of the as^s. plea as to him it was commanded - And further the same sheriffe returned that he had served the as^s. William Willoughby James with a copy of the foregoing declaration according to Act of Assembly in such case lately made and provided &c

And whereupon came hereinto Court the as^s. William Willoughby James in his proper person and thereupon ~~at the~~ the said William Willoughby James at the prayer of the as^s. Jacob Hindman and Thomas Stewart is adjudged to give special bail to the Action as^s but for want thereof the said William Willoughby James is committed into the Custody of the sheriffe of the County as^s theretoremain &c

And the aforesaid William Willoughby James in Custody as aforesaid in his own proper person came and defends the force and Injury when &c and saith that he cannot deny the action aforesaid of the aforesaid Jacob and Thomas nor can he say but that he Oweth the same Jacob and Thomas the aforesaid fifteen hundred and sixty pounds of tobacco in manner and form as the aforesaid Jacob Hindman and Thomas Stewart above against him hath declared &c

Therefore it is considered that the aforesaid Jacob Hindman and Thomas Stewart recover against the aforesaid William Willoughby James their debt aforesaid and their damages by reason of the Detention of the same debt to Three hundred and Sixty --- pounds of tobacco
294 to the same Jacob and Thomas of their assent by the Court here adjudged and the aforesaid William Willoughby James in Custody as aforesaid in merray &c

Attest John Henry

per Charles Penniwell.

Command was given to the Sheriffe of Somerset County that he should take Charles Penniwell late of Somerset County planter if he should be found in his bailynk 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 deciding Creeke the third Tuesday of November Anno Dom one thousand seven hundred and forty one to answer unto John Henry late sheriffe of the said County of Somerset of a plea of trespass upon the Case &c and the same day is given to the as^s. John here &c

And the said John Henry complained of the as^s. Charles in the plea as^s in form following Somerset
vs: Charles Penniwell late of Somerset County Planter was attached to answer unto John Henry late a Sheriffe