

affirmation as- was then and there falsly and fraudulently deceived Whereupon the same Giles says he is damaged and Damage hath to the Value of forty pounds Curr<sup>t</sup> money of Maryland and there of he brings Suit & Med<sup>y</sup> & In<sup>d</sup> Doe & R. Roe

AND the aforesaid James Peterkin and Elizabeth his wife by George Douglas their attorney Come and defend the force and Injury when & and pray Leave thereof to Imparle hereunto next Court to be held at Dividing Creek in and for the County of the King Tuesday of November than next following and they have it and the same day is given to the aforesaid Giles here also &

At which day here Come againe as well the aforesaid Giles Bashaw as the aforesaid James Peterkin and Elizabeth his wife by their attorneys aforesaid And Whereupon the said James and Eliz<sup>a</sup> as before defend the force and Injury when & And the said James and Elizabeth by Geo Douglas their attorney Come and defend the force and

Injury when & and say that the said Elizabeth is not guilty of the premises above by the said Giles upon her imposed in manner and form as the said Giles above against them hath complained and of this they put themselves on the Country and the same Giles in like manner. . . . And the said James and Elizabeth by leave of the Court here and according to the

forme of the statute in that case lately made and provided protesting that the said Elizabeth is in no sort guilty of the premises above by the said Giles upon her imposed for plea they say that the said Elizabeth did Warrant the Negro in the declaration mentioned to be eight years old only and sound and free from any distemper as the said Giles in Declaration against them complains and of this they puts themselves on the Country. . . . And the same Giles in like Manner

Therefore as to the trying as well the first Issue as the aforesaid Other Issue above Joyued it is Comanded the Sheriff that Immediately he Cause to Come here before his Lordships Justice Twelve & by whom & who neither & to Recognize & because as well & And the said Giles altho' solemnly Called Came not nor is his witt aforesaid against the aforesaid James Peterkin and Elizabeth his wife further prosecuted

Therefore it is Considered that the aforesaid Giles Bashaw and his pledges of Prosecuting to wit John Doe and Richard Roe are in Meruy and that the aforesaid James Peterkin and Eliz<sup>a</sup> his wife goe thereof without day & Also it is Considered that the aforesaid James Peterkin and Elizabeth Recover

370 against the aforesaid Giles Bashaw pounds of Tobacco for their Costs and Charges by them about their defense in that part Sustained to the same James and Eliz<sup>a</sup> by the Court now here by his aforesaid according to the form of the statute in such case lately made and provided adjudged and that the aforesaid James and Eliz<sup>a</sup> have thereof Restitution &

Ed: R. A. Duncan Murray . . . Command was given to the sheriffs of Somerset County that he should take Abraham Smith late of Somerset County Glantor if he should be found in his bailiwick and him should safe keep so that he might have his body before the Justice of his Lordships County Court of Somerset to be held at Dividing Creek the third Tuesday