

here came the as^t John Purnall by his Attorney as^t and the sheriff to wit John Handygent now here returned that he had taken the as^t ~~William~~ Stewart whose body here at this day he had ready to answer the as^t John Purnall of the as^t plea as to him it was Comanded . . . And further the said sheriff returned that he had served the as^t ~~William~~ Stewart with a copy of the foregoing declaration according to Act of Assembly in such Case made and provided - And the as^t ~~William~~ Stewart in her proper person Cometh and defendeth the force and Injury when ~~it~~ and saith that she cannot deny the Action as^t of the as^t John Purnall nor but that the as^t William in his life time did assume upon himself in manner and form as the as^t John Purnall above against her hath Complaind and as to the damage of the same John by him by Occasion of the premises in that part sustained the same ~~William~~ saith and Acknowledgeth that the as^t John hath sustained damages by Occasion of the premises beyond his Costs and Charges by him about his Suit in that part apposed to four hundred and Seventy five pounds of tobacco and not more and because the as^t John Denys not this but the same Allegation Grants to be true prays Judgment for those damages above Acknowledged together with his Costs and Charges as^t to him to be Adjudged &c

Therefore by Consent of the parties as^t it is ~~judged~~ considered that the as^t John Purnall recover against the as^t ~~William~~ Stewart his damages as^t to the as^t four hundred and Seventy five pounds of tobacco by the same ~~William~~ ^{Katherine} in form as^t Acknowledged as also: . . . pounds of tobacco for his Costs and Charges as^t

284 to the same John at his request by the Court now here of the Assent of the parties as^t Adjudged of the goods and Chattels which were of the aforesaid William Stewart at the time of his death in the hands of the same ~~William~~ ^{Katherine} to be Administred if so much in her hands she hath, and if so much in her hands she hath not then the Costs and Charges aforesaid to be Levied of the proper goods and Chattels, of the same ~~William~~ ^{Katherine} and the as^t ~~William~~ ^{Katherine} in Money &c

John Wildman } Command was given to the sheriff of Somerset County that he should take John Holt
John Holt } late of Somerset County shipwright 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 in the same County the third Tuesday of March Anno Domini one thousand seven hundred and forty to answer unto John Wildman of a plea of trespass upon the Case &c and the same day is given to the as^t John here &c And hereupon the said John Wildman declared against the as^t John Holt in the plea as^t in form following Somerset County s^t John Holt late of Somerset County Shipwright was attached to answer unto John Wildman of a plea of trespass upon the Case &c

And Whereupon the said John Wildman by Francis Allen his attorney Complainis that whereas the as^t John Holt after the as^t first day of may Anno Domini Seventeen hundred and five to wit on the Eleventh day of December Anno Domini Seventeen hundred and forty at the County of Somerset as^t within the Jurisdiction of this Court made his certain note in writing called a promisory note with his proper hand subscribed bearing date the same day and year last mentioned and the said note to the said John Wildman then and there did deliver by which said note the said John Holt did promise to pay to the said John Wildman by the name of M^r John Wildman sixteen pounds five shillings or his order for value received to be paid on demand and by reason thereof as also by force of the statute in such Case lately made and provided