

that he hath paid to the Plaintiff the several sums of Money
in the Declaration mentioned according to the form and Effect
of the Condition of the Writing Obligatory ^{therein} ~~and~~ ^{as} ~~mentioned~~ ^{in the Declaration}
mentioned And this he prays may be inquired of by the
Country and the said Plaintiff Likewise And on the Motion
of the said Defendant a commission is awarded him to
Examine & take the Depositions of his Witnesses in the
Province of North Carolina to be directed to John Deberry
John Dea James Manning of the said Province & Gordon
any two of them.

The Edition of Thomas Leonard Esqr of William
Simmons dect against Benjamin Simmons & Remond
of John Simmons dect is continued till the next Court.

John Warmer & Walter King Merchants
Partners. Pl.
agot
Benjamin Simmons Ad' of John
Simmons dect. Def.

This Day Came the Plaintiff by their Attorney
and the Defendant being solemnly Called and not appearing
It is Ordered That the Conditional Judgment obtained
against him be confirmed Therefore It is Considered by
the Court that the Plaintiff recover against the said Defend.
Three hundred & fifty pounds eighteen Shillings & four
pence the Debt in the Declaration mentioned And their Costs
by them about their Suit in this behalf expended To be
Satisfied of the goods and Chattels of the said Intestate in the
Hands of the said Defendant to be administered if so much
thereof he hath but if not then his Costs to be satisfied of his
proper goods and Chattels And the said Defendant in Mortgage.
But this Judgment pced. as to the Costs is to be
Discharged by the Payment of fifty five pounds nineteen
Shillings & six pence half penny together with the Interest for
the same to be computed after the date of five per centum per
Annum from the second Day of October 1780 to the Time of
Payment.