

ended }  
petition.

No. 355. Wilson

} By way of Amendment  
and replication to de-

Erskine. } defendant, answer filed  
herein, plaintiff would state that the  
deed of trust herewith filed as a part hereof  
marked (A) was executed by said Erskine  
on the day the same bears date and by  
him delivered to said Jones for the purpose,  
therein stated, and which deed of trust will  
be read as evidence on the trial of this cause  
among other things for the purpose of estab-

lishing the contents of the note sued on, the said note having been lost or mislaid, so that it cannot not be found. That plaintiff has made diligent search in every place where he supposes said note might have been but that no tidings thereof can be discovered of which fact, said defendant is here notified.

Plaintiff would further state that within less than four years next before the institution of this suit said defendant over his own proper signature in writing acknowledged the justness of plaintiff's demand and promised in writing over the signature of said defendant to pay said debt.

Plaintiff further states, that in less than four years next before the institution of this suit said defendant promised in writing to pay said debt sued on that said debt was just and that he said defendant signed said acknowledgment with his own proper signature.

Petitioner would further state that at date of the execution of the note sued on to wit on the      day of      1840 said Eshme made and delivered to the trustee therein named for the benefit of said Rufener, a deed of trust upon two negroes therein named giving to said trustee therein named power to sell said negroes in default of payment in order to satisfy said note, a copy of which deed of trust will be given in evidence on the trial of this

as before prayed for and for a decree to sell  
said negroes to pay said debt and if they said  
negroes should be insufficient to pay the  
whole thereof then for an execution against  
the estate of said Erskine and for general  
relief. Ireland for Pltff.  
Filed 8. May 1856. Alf Martin Clerk.

Affidavit Wilson vs Erskine. Comes Tho. W. Wilson  
of Plt. who made oath that the original note  
with the assignment thereof to this plaintiff  
upon which this suit is based is lost or mis-  
laid so the same cannot be produced on  
the trial of this cause. This affiant states  
that he has made search in all places  
where he had reason to suppose said note  
was and he has been unable to find the  
same. That he has ~~used~~ made enquiry  
for it and can hear nothing of it. Sub-  
scribed and sworn to this 5<sup>th</sup> day of Nov<sup>r</sup>.  
1856.

Th. W. Wilson  
Sworn to and subscribed  
before me this 5<sup>th</sup> day of  
Nov. 1856. Alf Martin Clerk.  
Filed Nov. 5. 1856. Alf Martin Clerk.