

This cause coming to be heard upon the Ninth day of October 1677 upon full debate of the matter between the parties on both sides and their Attorneys itt was by this Court ordered and decreed that the Def.^t Thomas Trueman should pay unto the Complaynant all such Charges and damages as the said Complaynant had laid out Expended and Susteyned by non performance of the Agreement therein mentioned and in the Removeing his family and Stock to the Said Truemans Plantation and in seating building fencing and cleering the Same and all other necessary charges relateing thereunto according to the writeing under the hand of the Said Thomas Truman deducting thereout all Such Sume or Sum̄s of Tobacco as the Said Comp.^l hath or without his own wilfull default might haue received out of the said Plantation by the Perception of the Profitts thereof from the tyme of his entry thereinto till he left the Same and for as much as it was not known to this Court what Charges or Damages the Said Complainant had layd out and Expended or susteyned by non performance of the agreement aforesaid and in Seating cleering and building upon the Plantation aforesaid and other Charges relateing thereunto or what profit had been by him Received as aforesaid and for that the Same was properly tryable att the Comon Law by a Jury, Itt was further ordered that a writt of Inquiry of Damages should Issue to the Sherriff of s^t Maryes County Returneable the then next Provinciaill Court to Impannell a Jury of twelve good and lawfull men of his Bailiwick to Enquire what charges & Damages the Said Comp.^l had layd out and Expended or Susteyned by non performance of the agreement aforesaid and by the Cleering Seating and building upon the Premisses and other Charges Relateing thereunto and what he had or without his own wilfull default ought haue Received by the percep̄on of Profitts thereof as aforesaid and what upon the said Juryes verdict should appeare to be due unto the Complaynant for Damages as aforesaid the said Def.^t Thomas Trueman was to pay the Same to him accordingly. Afterwards to witt upon the Nynteenth day of November following the said Def.^t Thomas Trueman did proferr his Petition to the Honn.^{b^{ie}} Thomas Notley Esq.^r Cheife Judge in Equity and thereby did Sett forth that the Complaynant haueing Exhibitted his Bill into this Court against the Petitioner and his Brother Nathaniell then Since dead to haue a Sufficient Conveyance with Generall Warranty of one Thousand Acres of Land in Calvert County or else to haue his Charges and disbursements for building and Cleering upon the same the p.^l thereby aleadging that the Defendant Thomas in the Absence of the Def.^t Nathaniell agreed w.th the Comp.^l that he should enter and seate upon the said Land and that the Defendent Thomas Should Procure from the Said Nathaniell a Legall Deed thereof with

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