

Liber W. C. liberty to imparle hereunto untill the next Provinciaall Court and it is granted unto him, and the same day is given to the plt also:

Att wch said next Provinciaall Court to wit the thirtieth day of June in the Eighth year of the Dominion of the Right hon<sup>ble</sup> Charles Lord Baltemore &c. Annoq̄ Doni 1683 came the said partyes by their Attorneys aforesaid and the said Thomas Sikes by his said Attorney sayth, That he the said Edward Maddox did not assume upon himself or to y<sup>e</sup> said Thomas sikes promise in manner and forme as the said Thomas hath above declared against him and of this he puts himself Upon the Country, And the Plt likewise Itt is therefore comanded the sheriffe of s<sup>t</sup> Maryes County that he Cause to come here twelve &c. whome &c. and Who neither &c. to recognize &c. because aswell &c.

On w<sup>ch</sup> said thirtyeth day of June in the yeare aforesaid Came the Said partyes by their Attorneys aforesaid and the Jurors Impannelled being called likewise came, to wit, Phillip Lynes Richard Keene, John Hungerford Richard Royston John Power Samuell Dobson, John Wilkenson Thomas Stonestreet, James Phillips Stephen Murty Dennis Hurley & Hugh Hopewell Who being elected  
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 tryed and sworne to say the truth in the premisses Upon their Oathes doe say That the said Edward Maddox did assume upon himself. and to the said Thomas Sikes promise in manner and forme as the said Thomas hath above declared against him and that the Said Edward hath not well & perfectly cured the said Samuel Sikes according to his said promise and assumption, W<sup>ch</sup> verdict of the Jurors aforesaid being read and heard the said Edward Maddox by his Attorney aforesaid moved in arrest of Judgment and thereupon day is given unto both partyes untill the Last day of this Court.

Att w<sup>ch</sup> day (to witt) the sixth day of June in the yeare aforesaid Came the ptyes aforesaid by their Attorneys aforesaid and the said Edward Maddox by his said Attorney offereth to the Court here his reasons for arresting the Judgment aforesaid w<sup>ch</sup> are as followeth Viz

First) The deft Maddox sayth that notwithstanding any thing by the Jury above found Yett Judgment Ought not thereupon to be given ffor that it plainely appears that the said samuel Sikes in the Declaration mençoned did Languish with a disease Called a Noli me Tanegere, w<sup>ch</sup> disease is by all Phisitians accompted incurable & the Law will not oblige to impossibilities, soe that to assume or warrant to perfectly cure such a disease is voyd in Lawe it being impossible It being a rule in Lawe that noe promise will oblige unless it be, ffirst honest, Secondly Lawfull & thirdly possible as in D<sup>r</sup> & Student folio 102

(Secondly) The plt hath declared that in Consideracon the plt would Lay the deft Two hundred & twenty foot of ffloores with