

cient Answer in that behalfe the Said James Demands Judgment and his Damages by Occasion of the Premisses to him Adjudged.

And the Said Gerrard Slye by his Said Attorney Saith that the plea of him the af^d Gerrard above in Barr pleaded and the Matter in the Same Contained is Good and Suff^t in Law the Said James from his Action af^d against the af^d Gerrard to have to be barr'd for that the S^a Gerrard for the Secure performance of the Writing Indented af^d Did make Seale and Deliver to the Said James the Writing Obligatory aforementioned in the Penalty of One hundred pounds Sterl^t whereupon he prayeth Judgm^t if the Said Other Action ag^t him the Said Gerrard then upon the Said Writing Obligatory Ought to have etc. And the Said James Likewise Which being read heard and Argued by the Justices that the plea af^d of the aforesaid Gerrard in Manner af^d Pleaded and the Matter therein Contained is insufficient in Law to Debarr the af^d James Bowling from having his Action af^d ag^t the Said Gerrard, for that the Said James his Action af^d ag^t him the S^a [144] Gerrard ought to Maintaine and therefore it is Considered by the Court here that The Said James Bowling recover ag^t the Said Gerrard Slye his Damages by him Sustained by Occasion of the Premisses but because it is not known to the Court here what Damages he hath Sustained by Occasion thereof It is therefore Comanded the Sherriffe of S^t Marys County That he Cause to Come here Twelve good and Lawfull men of his Bailywick to Enquire What Damages the Said James Bowling hath Sustained by Occasion of the premisses.

On which S^d 19th day of October in the Year af^d Came the Said Partys by their Attorneys af^d and the Jurors Impanelled being Called Likewise Came (to Witt) Philip Lynes John Bird, Daniel Clocker, Gilbert Clark, James Cullen, Wiłm Howell, James Bodkin, Thomas Smithson, Henry Exon, Ri[c]h^d Benton, William Dent and George Hodgeson who to Say the truth in the premisses being Elected Tryed and Sworne upon their Oaths do Say That the Said James Bowling hath Sustained Damage by Occasion of the premisses to thirty Six Thousand Six hundred and thirteen pounds of Tobb^a and therefore it is Considered by the Court here That the Said James Bowling recover ag^t the Said Gerrard Slye as well the af^d Summe of thirty Six Thousand Six hundred and thirteen pounds of Tobbacco Damages by the Jurors af^d in forme af^d Assessed as also the Summe of pounds of Tobb^a for Cost of Suite, And the Defend^t in Mercy etc.

[Seale] True Copy

per Chr: Gregory Cłk

William the third by the Grace of God of England Scotland France and Ireland King Defender of the faith etc. To the Sherriffe of Charles County Greeting because [145] in the Records and process as also in the Rendring of Judgm^t before our Justices of our Prov^l Court ag^t Gerrard Slye att the Suite of James Bowling Dec^d in a Plea of Covenant as it is Said manifest Error hath happened to the Great Damage of him the S^a Gerard Slye as of his Com-