

August Court. 1726 - - - - 177

The aforesaid William hath sustained as by Decision of the Non performance of the promise and assumption aforesaid as for his Costs and Charges by him about his Suite in that part ^{sustained} expended and the Inquisition which thereof he should take to his Lordships Justice at Dwiding Creek the third Tuesday of March next under his Seal and the Seals of those by whose Oath he made the same Inquisition he send with this writ to him thereof Directed, ~~the~~. The same day is given to the aforesaid William there - &c. At the third Tuesday August One thousand Seven hundred and twenty Six before his Lordships Justice at Dwiding Creek South the aforesaid William Comis by his attorney aforesaid, and the Sheriff Returned certain Inquisition before him taken at Snow hill town in the County of Somerset the twelfth day of July One thousand Seven hundred and twenty Six by which it appears that the aforesaid William hath sustained Damage by Breach of the Non performance of the promise and assumption aforesaid besides his Costs and Charges by him about his Suite in that part ^{sustained} expended to Seventy four pounds of t^o and for those Costs and Charges to One pound of t^o

And whereupon the aforesaid William Comis by his attorney aforesaid, prays the Court that the writ of Inquire of Damages aforesaid, on which the Inquisition above is returned may be quashed, for that the return day therein mentioned, is said, to be the third Tuesday of March then next when in truth, it ought to have been ~~it ought to have been~~ the third Tuesday of August &c. - Whereupon the premises being by the Court Maturely Considered &c.

Therefore it is Considered by the Justice ^{here} that the aforesaid William Comis take nothing by his writ and Inquisition aforesaid, but that the same writ and Inquisition be quashed ~~above~~ and hold for Nothing &c.

Somerset County ff: KNOW all men by these presents that we Charles Rackliff W^m of Gausitt and Nathaniel Whaley all of Somerset County in the Province aforesaid are holden & firmly bound unto Edward Rackliff & Comfort Rackliff or heirs of Nath^l Rackliff dec. in & full and Just Sum of one hundred and Eighty four pounds ten Shill. Given unto three partners ^{the} money to be paid unto the sd Edward and Comfort Rackliff or heirs aforesaid their heirs &c. ad int. or assigns to which payment well and truly to be made and done we bind our selves our & either of our heirs &c. ad int. for the whole and in the whole jointly and severally finally by these presents Sealed with our Seal and Dated this 17th day of Aug^r. Anno Domini 1726

The Condition of the above obligation is such that if the above bound Charles Rackliff W^m of Gausitt and Nath^l Whaley their and either of their heirs &c. or assigns do well & truly pay or cause to be paid unto the above sd Edward and Comfort Rackliff their heirs &c. ad int. or assigns