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and Subtily to defraud and Deceive the sd Sum of Sixteen hundred & Sixty six pounds of tobacco and Sixteen hundred and Sixty one penny or any part thereof to the same Benjamin hath not paid altho the same be do the sd Rowland afterwards by the same Day and year at the County. and within the sd Jurisdiction by the same Benj. was requested but he the same hath not to do hath altogether Refused and still doth Refuse whereby the same Benj. hath incurred and hath Damage to the value of three thousand pounds of tobacco and ten pounds of Money and thereof he brings this Suit - *Samuel Galeff Esq. Lodger to Judge Richd. Roe*

And the sd Rowland Beavin by George Dashiell his attorney comes and defends the force and Injury when sd appears Leave to Impare hereunto until the next Court and he hath it and the same day is given to the sd Benj. here also -

At which said next Court to wit the Fifteenth day of March and Doin One thousand seven hundred and twenty seven Comes again as well the sd Benjamin Houston, as the sd Rowland Beavin by their attorneys sd, and the sd Benjamin by his attorney sd prays that the sd Rowland Beavin to his declaration sd may answer sd Whereupon the sd attorney of the same Rowland says that he is not Informed by the same Rowland his Client, of any answer for the same Rowland to the sd Benjamin in the plea sd to be given, and nothing Else hereof says by which the same Benjamin Remains against the sd Rowland thereof Undefeated - For which the same Benjamin his Damages by Omission of the non performance of the promise and assumption sd, against the sd Rowland ought to recover, but because it is not known what Damages the sd Benjamin hath sustained by Omission of the non performance of the promise and assumption sd - Command is given to the Sher. that by the oath of honest and Lawfull men of his bailiwick he diligently Inquire what Damages the sd Benjamin hath sustained as well by Omission of the non performance of the promise and assumption sd as for his Costs and Charges by him about his suite in that Part Extended, and the Inquisition which thereof he should make, he make known unto here at the Next Court to be held for the County sd at dividing Creek the third Tuesday of June then next under his seal and the seal of them by whom he makes the same Inquisition to send together with the writ thereof to him directed sd and the same day is given to the sd Rowland there also -

At which said Next Court to wit the Eighteenth day of June and Doin One thousand seven hundred and twenty eight Cometh again the sd Benjamin Houston by his attorney sd and the Sher. to wit Henry Allen Esq. Returned a certain Inquisition before him taken at the house of Jd. Alkison in show place Town in the County sd on the fourth day of June And Iken last mentioned, by which it appears that the sd Benjamin hath sustained damage by Omission of the non performance of the promise and assumption sd, beyond his Costs and Charges by him about his suit in that part Extended to One thousand and five penny, and for those Costs and Charges to One pound of tobacco -

Therefore it is Considered by the Court here the Eighteenth day of June ann. Doin One thousand seven hundred and twenty eight that the sd Benjamin Houston Recover against the sd Rowland Beavin One thousand and five penny and One pound of tobacco; his Damages sd as by the Inquisition sd appears as also