

August Court - 1730 - to

Henry Ballard aged thirty years or thereabouts being sworn on the holy Evangelist of almighty God with that he was in company with the said Commissioners as was on a boat of Land called Elliotts Cove belonging to Edward Roberts which was Maj Charles Ballard, Capt John Sumtall M. Ephraim Wilson and Mr John Giddwell and that they went to a meadow standing near an orchard about two hundred and fifty yards south from the house of Edward Roberts where he then lived and there examined James Bolke on his oath and he said he was employed by Francis Roberts to make some logs and that he went to the aforesaid place where the aforesaid mentioned thing now is and that he went to falling some logg timber and sometime after Francis Roberts came to him the said James Bolke and told him he had fee the boulder of Elliotts Cove and that James Bolke asked him whether it was the first boulder of Elliotts Cove and that Roberts said it was and there was Patrick Quaterman and some other as declared near the same relating to the said Boulder and that the aforesaid Commissioners allowed that to be the boulder of Elliotts Cove and further the said deponent that he was of no other boulder as the said Commissioners allowed of but that aforesaid thing standing as aforesaid was the first boulder of Elliotts Cove and further sayeth not

Henry Ballard -  
Thomas Gillin  
Lewis Rigby -

J. Joseph Maulester  
John Simmons

Memorandum the plea by Lewis his attorney sued out his Lordship's writ of Habeas Corpus against the said Joseph Maulester and John Simmons in these words to wit -  
Somerset s. Charles absolute Lord and Proprietary of the provinces of Maryland

and avowed Lord Baron of Baltimore To the Sheriff of Somerset County greeting to where as Joseph Maulester Esq. by in our County Court of Somerset here to wit the twenty first day of March one thousand seven hundred and twenty six before Samuel Hopkins Gent. and his associates then our Justice of our said Court at dividing Creek, by consideration of the same Court recovered against John Simmons late of Somerset County planter seven hundred and fifteen pounds of tobacco for his damage which he sustained by violation of a certain promise and assumption to the said Joseph by the aforesaid John lately made and not performed whereof he is now in as by the records and proceedings thereof in our said Court before our Justice at dividing Creek remaining manifestly appears notwithstanding the exception of the Judgment aforesaid as yet remaineth to be made as by the determination of the aforesaid Joseph we have received and because we are willing that those things which in our said Court are rightfully acted ought to be duly executed we command you that by honest and law full men of your County with you made known unto the aforesaid John Simmons that he be and appear before our Justice of our said County Court of Somerset to be held at dividing Creek the third Tuesday of August next to show cause if any thing he hath or knoweth to say wherefore the said Joseph his exception of the Judgment aforesaid ought not to have annulling to the form of the recovery of it to him it shall seem expedient and have you then and know the names of them before whom you make it so known and their writs Witness William Blennerhesset one of our Justices of our said Court the seventeenth day of June in the sixteenth year of our Dominion do and done one thousand seven hundred and thirty -

At which said third Tuesday of August to wit the thirteenth day of the same month one thousand seven hundred and thirty before his Lordship Justice at dividing Creek Cometh the said Joseph Maulester by his attorney aforesaid and the Sheriff of Somerset County to wit John Burnale Gent. at the same day returned that he by virtue of the writ aforesaid to him directed he had made known unto the said John Simmons by James Jones and Robert Hill honest and law full men of his County with that he be before his Lordship Justice of the County Court of Somerset at the place aforesaid to show in form of law as to him it was commanded