

August Court ----- 1734 ----- 194

shall pay the condemnation of the Court thereupon or tender his body to the custody of the Sheriffe of Somerset County in satisfaction thereof or that he the said Edward Fuller will do the same for him &c

Whereupon the said Thomas Gray by his attorney &c pray that the said Alexander Chaim to his declaration &c may answer, but the same attorney of the said Alexander say that he is not Informed by the same Alexander his agent of any answer for the same Alexander to the same Thomas in the plea &c to be given and nothing &c thereof says in barr or preclusion of the action &c of the same Thomas by which the same Thomas Remaneth against the said Alexander hereof indefeasible &c

Wherefore the said Thomas his Damages by Occasion of the non performance of the promise and assumption &c against the said Alexander ought to recover but because it is not known what Damages the said Thomas hath sustained by Occasion of the non performance of the promise and assumption &c therefore it is Comanded the sherriff of somerset ^{county} that by the oath of honest and Lawfull men of his bailiwick he diligently Inquire what damage the same Thomas has sustained as well by Occasion of the non performance of the promise and assumption &c as for his Cost and Charges by him about his suit in that part apposed and the Inquisition which thereupon he should take to the Justices of his Lordships County Court of Somerset to be held at Dividing Creek the third Tuesday of August next under his seal and the seals of those by whose oath he should make that same Inquisition he send together with the writ therof to him Directed &c and the same day is given to the same Thomas there &c

At which said third Tuesday of August to witt the tweneth day of the same month and Day One thousand Seven hundred and thirty four before the Justices of his Lordships County Court of Somerset at Dividing Creek &c came the said Thomas Gray by his attorney &c and the Sheriff to witt Joseph McGister Gentleman Returned a certain Inquisition Indented and taken before him at the Court house at Dividing Creek in the County &c the nineteenth day of August and Day One thousand Seven hundred and thirty four by the oath of honest and Lawfull men of his bailiwick by which it appears that the said Thomas Gray has sustained Damages by Occasion of the non performance of the promise and assumption &c further than his Cost and Charges by him about his suit in that part apposed to three pounds Six shilling and nine pence Current money and for those Cost and Charges to One pound of tobacco.

Therefore it is Considered that the said Thomas Gray Recover against the said Alexander Chaim his Damages &c by the Inquisition &c in form &c appears also One thousand Twenty Six pounds of tobacco for his Cost and Charges &c to the same Thomas by the Court here of his aspect of Justice adjudged which certain Damages in the whole do amount to three pounds One shilling and nine pence Current money and pounds of tobacco and the said debt in money &c

