

August Court 1734 210

And the said Patrick Burke by Francis Allen his attorney Comes and defends the force and Injury where
of. and the same attorney says that he is not Informed by the same Patrick his Client of any answer for
the same Patrick to the said James in the plea aforesaid to be given and nothing else thereof says by which the
same James remaineth against the said Patrick thereof undefended. where for the same James his damages
by occasion of the non performance of the promise and assumption aforesaid against the said Patrick ought to
be recovered but because it is not known what damages the said James ^{has} sustained by occasion of the non per-
formance of the promise and assumption aforesaid It is Comanded the Sheriff that by the oath of honest and law-
-full men of his bailiwick he diligently Inquire what damages the same James ^{has} sustained as well by occasion
of the non performance of the promise and assumption aforesaid as for his costs and charges by him about his suit
in that part appoyed and the Inquisition which shal be to the Justices of his Lordships County Court of Somerset
to be hold at dividing Creek in the County aforesaid the third Tuesday of June there next under his seal &c. and the
seal &c. he send together with the writ thereof to him directed &c. and the same day is given to the same James
there also -- all which said third Tuesday of June to witt eighteenth day of the same month and Dow One thou-
sand Seven hundred and thirty four before the Justices of his Lordships County Court of Somerset at dividing
Creek Cometh the said James Lindon by his attorney aforesaid and the Sheriff sends not thereof the writ -- therefore
as before it is Comanded the Sheriff that by the oath of honest and Lawfull men of his baili-
-wick he diligently Inquire in form aforesaid &c. and the Inquisition which shal be to the Justices of his Lord-
-ships County Court of Somerset to be hold at dividing Creek the third Tuesday of August there next
under his seal and the seal &c. he send together with the writ thereof to him directed &c. and the same
Day is given to the same James there also --

All which said third Tuesday of August to witt the twentieth day of the same month and Dow
One thousand seven hundred and thirty four. before the Justices of his Lordships County Court of Somerset
then hold at dividing Creek in the same County Cometh the said James Lindon by his attorney aforesaid and
the Sheriff to witt Joseph Maulester Gent. returned a certain Inquisition Indented and taken before him
at the Court house at dividing Creek in the County aforesaid the nineteenth day of August 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 James Lindon hath not sustained any damages by occasion of the non performance of the pro-
-mise and assumption aforesaid -- which being read and heard &c. --

Therefore it is Considered that the said James Lindon take nothing by his writ aforesaid but be therof in mercy for
his false clamour and that the said Patrick Burke go therof without day also it is Considered that the said
Patrick Burke recover against the said James Lindon seven hundred and thirty three
pounds of tobacco by the Court herof adjudged unto him for his costs and charges by him about his suit in that part
led out & expended according to the form of the Statute therof made and provided & that he have therof
- execution. whereupon upon the said James Lindon prays the Court to discharge him also into a Court of Chancery and
- determine the premises above enquired to require -- which is granted &c.