

June Court --- 1733 --- 31

John M^o Cuddy as the aforesaid John Magan by their Attorneys aforesaid and thereupon the said J^o Magan prays further Leave thereof to compare here untill next Court and he hath it and the same day is given to the aforesaid John M^o Cuddy here aforesaid All which said next Court to wit the Nineteenth day of June Anno Domini one thousand seven hundred and thirty three came again as well the aforesaid John M^o Cuddy as the aforesaid John Magan by their Attorneys aforesaid, And thereupon the said John Magan says that he cannot gainsay the Acc^o of the aforesaid John M^o Cuddy nor but that he did assume upon himself in Manner and form as the aforesaid John M^o Cuddy above against him complained and as to the Damages of the same John M^o Cuddy by him by Occasion of the promises in that part sustained the said John Magan saith and Confesseth that the aforesaid John M^o Cuddy sustained Damages by Occasion of the promises beyond his Costs and Charges by him about his Suit in that part Appox^o to three pounds and one penny Cash and not more and because the aforesaid John M^o Cuddy Demys not this but the same allegation Confesseth to be true prays Judge^t and those Damages above Confessed together with his Costs and Charges aforesaid to him Adjudged

Therefore by Consent of the parties aforesaid it is Considered that the aforesaid John M^o Cuddy Recover against the aforesaid John Magan his Damages aforesaid to the aforesaid three pounds and one penny Cash by the said John Magan in form aforesaid Confessed as also Two hundred and Sixty Six pounds of T^o for his Costs and Charges aforesaid to the same John M^o Cuddy at his Request by the Court here and Consent of the parties aforesaid Adjudged and the aforesaid J^o Magan in Mercy &c

James Donelson } His Lordship the Right Honourable
Heber Whittingham } the Lord Proprietary of the Province of Maryland
Gard of George Martin } Commands the Sher^t of Somerset County by his writ
Somerset County } in these Words following viz
Charles absolute Lord and Proprietary of the provinces of Maryland and Avalon Lord Barron of Baltimore &c To the Sher^t of Somerset County Greeting Whereas James Donelson late in our County Court of Somerset here (to wit) the sixteenth day of March Anno Domini one thousand seven hundred and thirty before the Worshipfull William Plamer Gentleman and his Associates then Justices of our same Court at Dividing Creek in the County aforesaid consideration of the same Court Recovered against Heber Whittingham twenty five thousand seven hundred pounds of T^o as the Rights and Credits of a certain George Martin late of Somerset County Merch^t whereof the same Heber is Com^o as by the Records and proceedings thereof in our same Court before our Justices