

March Court ---- 1735 ----- 183

Elizabeth to his declaration ~~of~~ may answer ~~upon~~ which the same Richard and Elizabeth hath day until thirty days after this term to them by the Court here given to answer ~~it~~ and the same Richard and Elizabeth at the same day solemnly failed to answer. Cometh not nor the same attorney of the ~~of~~ Richard and Elizabeth, for the same Richard and Elizabeth saith nothing thereof in Bar or preclusion of the action ~~of~~ of the ~~of~~ Samuel by which the same Samuel ~~and~~ Remains there against the same Richard & Elizabeth undefended ~~be~~ -- Upon which the same Samuel his Damages by Omission of the non performance of the promise and assumption ~~of~~ against the ~~of~~ Richard and Elizabeth ~~admits~~ as ~~of~~ ought to recover but because it is not known what Damages the ~~of~~ Samuel hath sustained by Omission of the non performance of the promise and assumption ~~of~~ Command is given to the Sheriff of Somerset County that by the Oath of Honor and Lawfull men of his Bailly with he diligently Inquire what Damages the ~~of~~ Samuel hath sustained as well by Omission of the non performance of the promise and assumption ~~of~~ as for his Costs and Charges by him about his suit in that part approved and the Inquisition which ~~he~~ of the taker to his Duties of his Lordships County Court of Somerset to be held at Dwiding ^{Creek} in the same County the third Tuesday of June then next under his Seal and the Seals of them by whose Oath he takes the same Inquisition, he send together with the writ thereof to him directed ~~be~~.

Joshua Caldwell --

John Horsey Esq^r

Horsey

Command was given to the Sheriff of Somerset County that of the good and Chattle which were of William Horsey at the time of his death in the hands of John Horsey Esq^r of Somerset County planter Executor of the testament of the same William Horsey in his Bailly with he should make as well three thousand one hundred and twenty eight pounds of tobacco which to Joseph Caldwell by the Duties of his Lordships County Court of Somerset at Dwiding Creek were adjudged for his Damages which he had by Omission of ~~of~~ a promise and assumption to the same Joshua Caldwell by the ~~of~~ William Horsey in his Lifetime made and not performed as nine hundred and eighty three pounds of tobacco which to the same Joshua in the same Court were adjudged for his Costs and Charges by him about his suit in that part approved if the same John Horsey hath so much good and Chattle which were of the said William Horsey at the time of his death in his hands remaining to be administered, and if so much in his hands he hath not than the Costs and Charges ~~of~~ to be levied of the proper goods and Chattle of the same John Horsey and that same tobacco he should have before the Duties of his Lordships County Court of Somerset to be held at Dwiding Creek the third Tuesday of March then next to satisfy the said Joshua