

August Court . . . 1736 260

Kitchen present herein Court in his proper ^{person} that if in favor the said William Langdon should recover Judgment in the plea aforesaid against the said William Kitchen or that the said William Kitchen should be therein convicted that then he the said William Kitchen should pay the Judgment of the Court thereon or Render his Body in Execution of such Judgment to the prison of the Sheriff of Somerset County in satisfaction thereof or that he the said Peter Taylor will do the same for him &c

And the same William Kitchen by Francis Allen his attorney Cometh & defendeth the force and Injury whereto and pray ^{leave} to be put in to the next Court and he setteth and the same Day is given to the aforesaid William Langdon here also &c

All which said next Court to wit the seventeenth day of August of Anno. Dom. one thousand seven hundred and thirty six came againe as well the aforesaid William Langdon as the aforesaid William Kitchen by their attorney &c and wherupon the same William Langdon prayeth that the aforesaid William Kitchen to his declaration aforesaid may answer, and the same William Kitchen altho. at the same day solemnly called Cometh not, nor says nothing in Bar or preclusion of the action aforesaid of the aforesaid William Langdon by which the same William Langdon remaineth against the said William Kitchen those of undefaulted &c

for that the same William Langdon his damages aforesaid against the aforesaid William Kitchen by omission of the non performance of the promise and assumption aforesaid ought to recover but because it is not known to his Lordships County Court of Somerset here what damages the aforesaid William Langdon by answer aforesaid in that sustained therefore it is commanded the Sheriff of Somerset County that by the Oath of Jurors and Lawfull ^{men} of his bailiwick that he diligently Inquire what damages the aforesaid William Langdon hath sustained by omission of the non performance of the promise and assumption aforesaid beyond his costs and charges by him about his Suit in that part disposed and the Inquisition which thereupon he should take to the Duties of his Lordships County Court of Somerset to be holden at Durdham Creek the third Tuesday of November next under his Seal and the seals of those by whose Oath he makes the same Inquisition he send together with the writt thereto him directed and the same Day is given to the aforesaid William Langdon here &c

W^o Archibald Simpson } Episcopus } James Rownd --- } Co. D. 15ⁿ 7ⁿ 4ⁿ £ money
Hugh Stevenson --- } } Heber Whittingham. } } Coe agreed ---