

November Court ... 1736

That under William Gray

sworn upon their oaths that the aforesaid

the aforesaid Robert M'Farling above ag.

Occasion of the non performance of the promise and assumption of beyond his cost and charges by him about

his suit in that part appoied to Two shillings and six pence current money of Maryland.

Whereupon the said Robert M'Farling by his attorney doth pray that no Judgment may be given on the

Verdict of the aforesaid Jurors

Directing him to a new assignment Jury of good and Lawfull men of his County

and Issue between them Joynd as above for the reasons following.

1. That notwithstanding the Jury did

Yett it seems the true Intent and designe of the said Jurors that the said M'Farling should recover the

Value of the things sued for as may appear by the acknowledgement of the said Jurors all their proceedings

in Court immediately after the said Verdict was rendered before they went from the bar.

2. That the Verdict is insufficient in the Jurors charging the damages in the said cause according to

the nature of the action and the Intent expressed by them before they went from the bar.

3. For that the Jury did not render the Verdict in the said cause in pursuance to the Endorsement to

them given. Whereupon and singular the premises by the Court here being seen and fully

understood and mature deliberation thereupon had it seems to the Court that upon the said

M'Farling paying or giving satisfaction for the costs of the Tryall and that a new Tryall be granted him as

and is prayed for.

Therefore Command is againe given to the aforesaid Sheriff of the County that

Immediately he cause to come here before the Justices of his County Court at New Market

at Downing Street the same County Twelve honest and Lawfull men of his County to make up

a Jury by the Issue of between the parties aforesaid shew the truth of the premises and may be better

known and who neither shall be nor shall be reputed by their additions, of Kindred, by affinity, or consanguinity

whatsoever, be or be reputed to be any of the aforesaid parties or have putt themselves or any of them

in any manner or way to be sworn by the said Jurors.

And the Jurors of that said Jury

shall be sworn by the said Justices

at Joseph M'Farling's house to this Imparalled being called came to wit Samuel

Slinger George Tubb Thomas Browne Thomas Wise Robert Mitchell Day

and Thomas M'Farling son of Wm. John M'Farling David Johnson Walter Darby and Benjamin M'Farling

who to the Truth of the premises and being duly Veked tryed and Sworn upon their oaths said

that the aforesaid Charles Ramsey did assume upon him self in manner and form as the aforesaid Robert

M'Farling above against him hath Complaind and charged the damages of the said

Robert by Occasion of the non performance of the promise and assumption of beyond

say the truth of the premises and being duly checked tryed and

sworn upon their oaths that the aforesaid Charles Ramsey did assume upon him self in manner and form as

the aforesaid Robert M'Farling above ag. and hath Complaind and charged the damages of the same Robert by

Occasion of the non performance of the promise and assumption of beyond his cost and charges by him about

his suit in that part appoied to Two shillings and six pence current money of Maryland.

Whereupon the said Robert M'Farling by his attorney doth pray that no Judgment may be given on the

Verdict of the aforesaid Jurors

Directing him to a new assignment Jury of good and Lawfull men of his County

and Issue between them Joynd as above for the reasons following.

1. That notwithstanding the Jury did

Yett it seems the true Intent and designe of the said Jurors that the said M'Farling should recover the

Value of the things sued for as may appear by the acknowledgement of the said Jurors all their proceedings

in Court immediately after the said Verdict was rendered before they went from the bar.

2. That the Verdict is insufficient in the Jurors charging the damages in the said cause according to

the nature of the action and the Intent expressed by them before they went from the bar.

3. For that the Jury did not render the Verdict in the said cause in pursuance to the Endorsement to

them given. Whereupon and singular the premises by the Court here being seen and fully

understood and mature deliberation thereupon had it seems to the Court that upon the said

M'Farling paying or giving satisfaction for the costs of the Tryall and that a new Tryall be granted him as

and is prayed for.

Therefore Command is againe given to the aforesaid Sheriff of the County that

Immediately he cause to come here before the Justices of his County Court at New Market

at Downing Street the same County Twelve honest and Lawfull men of his County to make up

a Jury by the Issue of between the parties aforesaid shew the truth of the premises and may be better

known and who neither shall be nor shall be reputed by their additions, of Kindred, by affinity, or consanguinity

whatsoever, be or be reputed to be any of the aforesaid parties or have putt themselves or any of them

in any manner or way to be sworn by the said Jurors.

And the Jurors of that said Jury

shall be sworn by the said Justices

at Joseph M'Farling's house to this Imparalled being called came to wit Samuel

Slinger George Tubb Thomas Browne Thomas Wise Robert Mitchell Day

and Thomas M'Farling son of Wm. John M'Farling David Johnson Walter Darby and Benjamin M'Farling

who to the Truth of the premises and being duly checked tryed and Sworn upon their oaths said

that the aforesaid Charles Ramsey did assume upon him self in manner and form as the aforesaid Robert

M'Farling above against him hath Complaind and charged the damages of the said

his