

March Court 1736 13

their attorneys afo and whereupon the said Joseph Maulester prays further Leave thereof to In park here until the third Tuesday of November and doth One thousand seven hundred and thirty six and he hath it and the same Day is given to the afo Joseph Maulester &c

All which day here came againe as well the afo Joshua Caldwell as the afo Joseph Maulester by their attorneys afo and whereupon the said Joshua Caldwell prays that the same Joseph Maulester to his declaration afo may answer, and the said Joseph at the same day altho solemnly called Cometh not, nor says nothing in bar or preclusion of the action afo of the same Joshua by which the same Joshua leanieth against the afo Joseph thereof undepuded for which the same Joshua his damages against the same Joseph by Breach of the Non performance of the promise and assumption ought to recover but because it is not known unto the Justice of his Lordships County Court here what damages the same Joshua in that part has sustained therefore it is Comanded the Justice that by the Oath of honest and Lawfull men of their County they Diligently Inquire what damages the same Joshua hath sustained as well by Breach of the Non performance of the promise and assumption afo as for his Costs and Charges by him about his Suit in that part appoyed & the Inquisition which thereupon they take they make appear to the Justice of his Lordships County Court of Somerset to be hold in the Court house at Diving Creek in the same County the third Tuesday of November then next following under their Seals and the Seals of those by whose Oath they take that same Inquisition they send together with his Lordships Writt thereof to them directed & the same day is given to the afo Joshua there by

All which day before the Justice of his Lordships County Court of Somerset at Diving Creek Cometh the afo Joshua Caldwell by his attorney afo and the Coroners to wit William Lane and Henry Ballard Gent. Coroners of the County of Somerset afo Returned a certain Inquisition ^{before them} at Diving Creek at the Court house in the County afo the fifteenth day of March and doth One thousand seven hundred & thirty Six by the Oath of honest and Lawfull men of their County taken by which it is found that the afo Joshua hath sustained damages by Breach of the Non performance of the promise and assumption afo beyond his Costs and Charges by him about his Suit in that part appoyed to wchly three pounds ten Shillings Curr: money of Maryland & for those Costs and Charges to one pound of Tobacco -

Therefore it is considered that the afo Joshua Caldwell recover against the afo Joseph Maulester his damages afo as by the Inquisition afo found also Twelve hundred and Eighty Seven pounds of Tobacco for his Costs and Charges by him about his suit in

that part appoyed to the same Joshua by the Court here at his request of Increase adjudged which certain damages in the whole do amount to wchly three pounds ten Shillings Currant money of Maryland &

Twelve hundred & Eighty Eight — — — — — pounds of Tobo. with stay of Execution until the first day of may then next following and the afo Joseph in money &c

1265.
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