

June Court 1737 80

And the said John upon in his own proper person Cometh and defendeth the force and Jury when he and prayeth Leave thereof to Impale here until the third Tuesday of November then next ^{following} and he hath it and the same day is given to the said Matthias here also &c. . . . All which day here came againe as well the said Matthias Gale ~~at~~ by his attorney as the said John upon in his proper person, and whereupon the same John prayeth further Leave thereof to Impale here until the third Tuesday of March then next following and he hath it and the same day is given to the said Matthias ^{here} also &c.

All which day here came againe the said Matthias Gale by his attorney as and prayeth that the same John upon to his Declaration as may answer but the same John says nothing in barr or preclusion of the action as of the said Matthias by which the same Matthias remaineth against the said John thereof undefended - for which the same Matthias his Damages by occasion of the Non performance of the promise and assumption as of the same John ought to recover but because it is not known unto the Justices of his Lordships County Court of Somerset here what Damages the same Matthias in that part hath sustained therefore it is Comanded the Sheriff that by the Oath of honest and Lawfull men of his County he diligently Enquire what Damages the same Matthias hath sustained as well by occasion of the Non performance of the promise and assumption as for his Costs and Charges by him about his suit in that part aforesaid and the Inquisition which thereupon he should take he make appear to the Justices of his Lordships County Court of Somerset to be hold in the Court house at Dividing Creek in the said County the third Tuesday of June then next following under his seal and the Seals of those by whose Oath he take that same Inquisition he send together with his Lordships writ thereof to him directed and the same day is given to the said Matthias there &c. All which day here before the Justices of his Lordships County Court of Somerset at Dividing Creek came the said Matthias Gale by his attorney as and the Sheriff to witt Joseph Maulster Gent. returned a certain Inquisition before him at the house of Thomas Darbiell in Whitehaven Town in the County as on the ninth day of April. One thousand seven hundred and thirty seven by the Oath of honest and Lawfull men of his County taken by which it is found that the said Matthias hath sustained Damages by occasion of the Non performance of the promise and assumption as of Twenty seven pounds six Shillings and six pence fur. money of Maryland. Therefore it is Considered that the said Matthias Gale Recover against the said John upon his Damages as by the Inquisition as found also One thousand two hundred and eighty