

June Court ... 1797 ... 90

Copy of the foregoing declaration and amount were made and sent to be served on the said William with the writ of auditing to act as aforesaid in such case made and provided --

All which said Third Tuesday of June and One thousand Seven hundred and Ninety Seven Cometh here the said Robert Graham by his attorney and the Sheriff of the same County to wit Joseph M. Gester Gester at the same day here returned that he had taken the said William Wye whose body hereat this day he had led to answer unto the said Robert Graham of the said plea as to him it was Comanded and Likewise that he had served the said William with the Copy of the declaration as by Law Lawer Enjoyed

Whereupon came here into Court before the Justices thereof George Dashiell of Somerset County Gent and undertook for the said William Wye and affirmed upon himselfe that if it should happen that Judgment in the plea as in the same Court should be rendered for the said Robt. Graham against the said Wm. Wye or that the said William Wye should be theron Comanded that then he the said William Wye should pay and satisfy unto the said Robert Graham the Judgment of the Court thereupon or render his body in Execution of such Judgment to the prison of the Sheriff of the County and there to remain until the said Judgment be fully satisfied or that the said Geo. Dashiell will do the same for him.

And the said William Wye by Francis Allen his attorney Cometh and defendeth the force and Injuring whereof and the said Robert prays that the said Wm. to his declaration as may answer to whereupon the said William hath day to him by the Court here given to answer and the said William at the same day solemnly called to answer Cometh not nor the same attorney of the said William says nothing thereof in bar or preclusion of the action as of the said Robert by which the said Robert remaineth theron against the said William wholly undefended for which reason the said Robert his damages by reason of the non performance of the promise and assumption as for the said County Court of Somerset how what damages the said Robert in that part hath sustained therefore it is Comanded the Sheriff of Somerset County that by the oath of honest and Lawfull men of his bailiwick or County he diligently Inquire what damages the said Robert hath sustained as well by reason 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 shall take he make appear to the Justices of his Lordships County Court of Somerset to be hold at Winding Creek in of same County the third Wednesday of August thence next following under his Seals and the Seals of those by whose Oath he take that same Inquisition be

Decorative flourish at the bottom of the page.