

June Court 1737 91
to him to pay hath altogether refused and still doth refuse altho' afterwards to wit on the day and
Year last mentioned at the County of and of the same that time by the said Duncan required whereup-
on the said Duncan saith he is damaged Twenty pounds Curr. money of Maryland and thereof he
bring. Suit for pledges to John Doe R. Hoc.

All which said Third Tuesday of June to wit the twenty first day of the same month and Term.
One thousand Seven hundred thirty Seven came here the said Duncan Murray by his attorney of
and the Sheriff of the same County to wit Joseph MacMaster Gent at the same day returned that
he had taken the body of the said Archibald McNeal whose body here at that day he had ready
to answer unto the said Duncan Murray of the said plea as to him it was commanded. and likewise that
he had served the same Archibald with a copy of the declaration and according to act of assembly in
such case provided for. Whereupon the said Archibald McNeal present here in Court
before the Justices thereof at the prayer of the same Duncan the said Archibald is adjudged
to give special bail to the action and for want thereof the said Archibald is committed
unto the custody of the Sheriff of Somerset County there to remain
and the said Archibald McNeal in custody as aforesaid in his own proper person cometh and defendeth
the force and injury whereof and the said Duncan pray, that the said Archibald to his declaration
and may answer. Whereupon the said Archibald hath day by the Court here unto him given until
the fourth day of this term to answer unto the said Duncan in the said plea and the same
Archibald at the same day altho' solemnly called cometh not nor saith nothing in Barr or
preclusion of the action and of the said Duncan by which the same Duncan remaineth against the said
Archibald thereof undepended for which reason the said Duncan Murray his damages by occasion
of the non performance of the promise and assumption and against the said Archibald ought to
recover but because it is not known what unto the Justices of this Lordship's County Court of Somerset
here what damages the said Duncan in that part hath sustained therefore it is commanded the Sheriff
of the same County that by the oath of himself and Lawfull men of his Bailiwick or County he diligently
inquire what damages the said Duncan hath sustained as well by occasion of the Non perfor-
mance of the promise and assumption as for his costs and Charges by him about his Suit in that part
apposed and the Summation which he upon he should take he make appear to the Justices of this Lord-
ship's County Court of Somerset to be hold at Dividing week in the same County the third Tuesday of
August then next following under his Seal and the Seal of those by whose Oath he take that
said Summation for
