

he had taken the ass. John M^{ce} Lester whose body hereat this day he had ready to answer the ass. John Henry of the ass. plea as to him it was commanded, and further the same sheriffe returned that he had served the ass. John M^{ce} Lester with a copy of the foregoing declaration according to act of assembly in such case made and provided &c.

And the aforesaid John M^{ce} Lester by Francis Allen his attorney comes and defends the force and Injury when &c. and the same attorney says that he is not informed by the same John M^{ce} Lester his servant of any answer from the said John M^{ce} Lester to the ass. John Henry in the plea ass. to be given and nothing else thereupon saith thereupon by which the same John Henry, Remaineth against the ass. John M^{ce} Lester thereof undefended. Whereupon at the prayer of the aforesaid John Henry and by the assent of the same attorney of the said John M^{ce} Lester the Justices here according to act of assembly in such case made and provided assessed the damages of the aforesaid John Henry by occasion of the non performance of the promise and assumption aforesaid beyond his loss and charges by him about his suit in that part expended to Six pounds ten Shillings Current money of Maryland &c.

Therefore it is considered that the aforesaid John Henry recover against the aforesaid John M^{ce} Lester his damages aforesaid to the aforesaid Six pounds ten Shillings Current money of Maryland by the Justices aforesaid in form aforesaid assessed as also the Court here of this assent adjudged which certain damages in the whole amounts to Six pounds ten Shillings Current money of Maryland and pounds of Tobacco for his loss and charges aforesaid to the same John Henry by pounds of Tobacco and the aforesaid John M^{ce} Lester in money &c.

Francis Allen - Command was given to the sheriffe of Somerset County that he should take Israel Holland late of Somerset County Merriner and Esther his wife administratrix of the adm^r. John Harristoy . . . goods Challes and Credits which were of John Harristoy late of Somerset County Surgeon deceased if they should be found in his bailiwick and then should safe keep so that he might have their bodies before the Justices of his Lordships County Court of Somerset to be held at dividing Creech the third Tuesday of November Anno Domini one thousand seven hundred and forty one to answer unto Francis Allen of a plea of trespass upon the Case &c. And the same day is given to the ass. Francis here &c.

1730 Doct ^r John Harristoy	200	Brought up	1948
To fee p ^r for you to Daniel Dulany Esq ^r	600	To Ditto in Ditto Court	208
To fee p ^r for you to Edmond Jennings Esq ^r	600	Errors Excepted p ^r Francis Allen	2156
To Chancellers fees	138	To Sheriffe for Serving ne Execut Pro: ag ^t John Harristoy	35
To Secretaries fees	276	nov. the 19: 1741 Then was the above assent proved	2191
To Costs of suit in Somerset County Court	337	in open Court by the Oath of M ^r Francis Allen according to act of assembly	
Carried Up	1948	in such case provided - Sent Thomas Hayward Esq ^r .	