

March Court . . . . . 1740 . . . . . 85

And whereupon the said Joshua Caldwell by his attorney aforesaid came and defended the force and Injury when he said prays Leave to Imparle here untill next Court to be held at Dividing Creek in and for the County aforesaid the third Tuesday of August then next following and he hath it and the same day is given to the aforesaid James here also

All which day here came again as well the aforesaid James Martin as the aforesaid Joshua Caldwell by their attorney aforesaid and whereupon the said Joshua prays further Leave thereof to Imparle here untill next Court to be held at Dividing Creek in and for the County aforesaid the third Tuesday of November then next following and he hath it and the same day is given to the aforesaid James here also

All which day here came again as well the aforesaid James Martin as the aforesaid Joshua Caldwell by their attorney aforesaid and whereupon the said Joshua prays further Leave thereof to Imparle here untill next Court to be held at Dividing Creek in and for the County aforesaid the third Tuesday of March then next following and he hath it and the same day is given to the aforesaid James here also

All which day here came again as well the aforesaid James Martin as the aforesaid Joshua Caldwell by their attorney aforesaid and whereupon the said Joshua Caldwell as before defends the force and Injury when he said and says he did not assume upon himself in manner and form as he the said James above against him hath complained and of this he puts himself on the Country — and the aforesaid James in like manner

Therefore Command is to the Sheriff that immediately he should have to come here before his Lordships Justices Twelve by whom he and who neither he to Recognize he because as well and the Jurors of that same Jury by the Sheriff of the County aforesaid to this Imparled being called came and whereupon the same Joshua relating his oath his verification aforesaid by him above alleged and saith that he cannot deny the action aforesaid of the aforesaid James Martin nor but that he did assume upon himself in manner and form as the aforesaid James Martin above against him hath complained and as to the damage of the same James by him by Occasion of the premises in that part sustained the same Joshua saith and acknowledgeth that the aforesaid James hath sustained damage by Occasion of the premises beyond his Costs and Charges by him about his suit in that part apposed to Twenty four pounds and five Shillings Currant money of Maryland and One hundred and Twenty pounds of tobacco and not more and because the aforesaid James denies not this but the same allegation grants to be true prays Judgment for those damages above acknowledged together with his Costs and Charges to be to him to be adjudged

Therefore by Consent of the parties aforesaid It is Considered that the aforesaid James Martin Recover against the aforesaid Joshua Caldwell his damages aforesaid to the aforesaid Twenty four pounds and five Shillings Currant money of Maryland and One hundred and Twenty pounds of tobacco by the same Joshua in form aforesaid acknowledged as also pounds of tobacco for his Costs and Charges aforesaid to the same James at his Request by the Court now here of the aforesaid of the parties aforesaid adjudged and the aforesaid Joshua in Mercy. Moreover the plaintiff Releaseeth out of the above damages Nineteen pounds Currant money of Maryland &c. Therefore the said Joshua of the aforesaid nineteen pounds and five Shillings be quiet