Upon their Oaths doe say That the said Edward Maddox did assume upon himselfe
and to the said Thomas Sikes promise in manner and forme as the said Thomas hath
above declared against him and that the said Edward hath not well & perfitly
ewarded the said Samuel Sikes according to the said promise and assumpsion, wch
verdict of the Jurors aforesaid being read and heard the said Edward Maddox by
their Attorney aforesaid moved an arrest of Judgment and thereupon day is given
unto both partyes untill the Last day of this Term.

Ett wch day (to wit) the fifth day of June in the yeare aforesaid came the ptyes
aforesaid by their Attorneys aforesaid and the said Edward Maddox by his
said Attorney offerth to the Court here his reasons for arresting the Judgment
aforesaid wch are as followeth viz

(First) The deft Maddox sayth that notwithstanding any thing by the Jury above found
yett Judgment Ought not thereupon to be given for that it plainly appeares that
the said Samuel Sikes in the Declaration mentioned did Languish with a disease
called a Noli me Tangere, wch disease is by all Phisitians unanimoly reputed
the Lawe not obliges to impossibilities, for that to assume or warrant to —
perfitly ewarde such a disease is voyd in Law it being impossible, it being a rule in
Law that non promisso nisi obligat nullus, it be, first, secondly, Lawfull
thirdly possible as in D. & Student folio 102

(Secondly) The pltt hath declared that in Consideration the pltt would Lay the deft Two hundred
thirty foot of ffloored with Planck the deft did assume &c, the deft sayth
it doth not appeare where the said Planck should be Laid or where the said
Planck should be had Nor was there at the said tryall any proofe of the said
Consideration without wch said promise cannot oblige the said defendant

(Thirdly) The pltt hath declared that the deft being Damnified by the said Samuels not
doing unto him wch he did assume & undertake in regard that if any accon had accrued
on the manner set forth in the Declaration the said accon should have been brought by
the said Samuel Sikes and not by the said Thomas Sikes as above offer wch said
Reasons the said Edward Maddox prayeth the stay and arrest of the said
Judgment

Wherevpon being read heard and argued and by the Justices here duly understood
& diligently examined it seemeth to them and judged that the reasons aforesaid
are insufficient in Lawe to arrest Judgment upon the verdict of the Jurors aforesaid
Ett is therefore considered by the Court here that the said Thomas Sikes recover
against the said Edward Maddox ffoure hundred and fourty pounds of tobacco
damages by the Jurors aforesaid in forme aforesaid assessed as also the sume of
fiive thousand five hundred eighty foure pounds of tobacco for costes of suite
And the said defendant in mercy &c.

James Mills agt Thomas Newburton

The Jury returning found for the pltt in the accon the sume of Two
hundred pounds sterling the deft by Martin Hardyng his Attorney
moved in arrest of Judgment And day is thereupon given to both partyes
untill the next Provinciall Court.

James Mills agt John Walls

John Walls late of Somerset County Merriner was attached to answer
unto James Mills Marchant of a plea of trespass of the case

And whereupon the said James by Robert Carvile his Attorney sayth that
whereas the said John Upon the fourth day of September in the yeare of
Our Lord 1682 at South Hiverna Baltimore County stood judley indebted to

the said James Mills for severall goods and Marchandize by him the said John of him
the said James then and there had bought and received, And also for severall summes
of Money and tobacco by the said James paid for the said John by his order, and
for the Love of him the said James his Masters to him the said John, and for the
the said James thereupon and card in buying of provisions for the use of the Ships
of the said John and otherwise about the concerns of him the said John amounting in
the whole to the sume of Nine thousand One hundred and thirty pounds of tobacco
& ffoure pounds eighteene shillings sterling as by a particular account
thereof hereunto annexed may appeare, And the said John being so indebted the said
John in consideration thereof did assume upon himselfe and to the said James did
faithfully promise that he the said John the said sume of Nine thousand One hundred &
thirty pounds of tobacco & ffoure pounds eighteene shillings sterling when he should
lawfully pay and satisfy to him the said James when he should be thereunto requested,
And though the said John hath paid unto the said James the sume of ffoure thousand forty and
foure pounds of tobacco part of the said sume of Nine thousand one hundred and thirty pounds of
tobacco yett as to three thousand eighty foure pounds of tobacco residue of the said sume of
Nine thousand One hundred and thirty pounds of tobacco & ffoure pounds eighteene shillings and
sterling the said John the promise and Assumption aforesaid little regarding but designing
and fraudulently intending him the said James in this behalfe craftily and subtilly to deceive
and defraud, the said sume of three thousand eighty foure pounds of tobacco and ffoure
pounds eighteene shillings sterling to him the said James though afterwards —
that is to say the first day of March in the yeare aforesaid at Nanticoke in Somerset
County he was thereunto required hath not paid or satisfyed, but the same to pay and satisfie
hath hitherto denyed and still doth denye to pay the same to the damage of the said
James twelve thousand pounds of tobacco And thereupon he bringeth his Suite

And the said John Walls by Martin Hardyng his Attorney cometh and defendeth the force & injury
when &c and prayeth liberty to imparle thereunto untill next Provinciall Court and it is granted
unto him, And the same day is given to the pltt likewise

(Nov) Ett at this day (to wit) the fifteenth day of July in the eighth yeare of the Dominion of the
Right Honble Charles Lord Baltimore &c. Annoq Dom 1688 came the said parties by their
Attorneys aforesaid and the said John Walls by the said Attorney sayth that he the pltt
James his accon aforesaid Ought not to have for that he sayth he did not assume upon
himselfe in manner and forme as the said James Mills in his declaration above hath declared
against him And of this he puts himselfe upon the Country, And the pltt likewise
Ett therefore considered the Sheriff of the Maryland County that he cause to come here twelve
&c by whome &c and who neither &c to recognize &c breaneds as well &c.

(Now) Ett wch said fifteenth day of July in the yeare aforesaid came the said parties by their Attorneys
aforesaid and the Jurors duly summoned being called likewise came (to wit) Philip Lynch Richard
Vesse, John Hungerford, Richard Layston, Francis Emerson, Samuel Dobson, John
Wilkinson, Thomas Stonestreet, Jacob Lockerman, Stephen Murty, Dennis Hurley & Hugh
Hopewell Who being sworne tryed and sworne to say the truth in the premisses Upon their oaths
do say that the said John Walls did assume upon himselfe in manner and forme as the
said James in his Declaration above hath declared against him and they assess the damage of
the said James to ffive thousand eighty foure pounds of tobacco and ffoure pounds eighteene
shillings & sterling, Ett therefore considered by the Court here that the said
James Mills recover against the said John Walls twelve hundred ffoure pounds of tobacco and ffoure pounds eighteene shillings & sterling
damages by the Jurors aforesaid in forme aforesaid assessed as also the sume of One
thousand eight hundred and six pounds of tobacco for costes of suite And the Defendant
in mercy &c.