ass because he Says that the deed ass and the matter therein Contained is not
Suffic in Law for the said Audry her Action ass ag[t] the said Kenelm to have
or maintaine to which he hath no liberty nor by the Law of Maryland is held
to make any Answer and this he doe ready to Averr and therefore for want of a
Suffic deed in the ps[t] the said Kenelm prays Judg[t] that the ps[d] Deed may be Cancelled
and for Costs of Suit thereto according to the Form of the Statute in such Case
made and provided Whereupon the Court here the 5th Day of Sept[r] Inst[t] doth not
appear by the Deed ass that there is any Mem[d] or promise in the Deed ass specified
in writeing Signed by the said Kenelm or any other person by him the said Kenelm
lawfully Authorized as ought to be according to the forme of the Statute in
such Cases made and provided and that the Deed ass is insufficient in Law wants form
And the ass Audry Gayland Ed[r] as ass for that she hath above declared Sufficient matter
in Law to have and maintain her Action ass ag[t] the said Kenelm Cheseldyne &c
She is ready to Averr which matter the same Kenelm hath not denyed nor
nor to the same any ways answered but the same to admit as true alledged
refuses, the same Audry Ed[r] as ass prays Judg and her damages by Reason of
her Imprisonment to her to be adjudged &c

Whereupon all and singular the premisses being by the Court here seriously
and fully understood and matured deliberation being thereupon had for that it
seemeth to the Court here that the said Audry Gayland Ed[r] as ass hath above declared
Sufficient matter in Law to have and maintaine her Action ass ag[t] the said Kenelm
Cheseldyne &c

Therefore the said Audry Gayland Ed[r] as ass her damages by Reason of the Iniury
Sustained by Reason of the premisses ass, Therefore it is Commanded the Sheriff of
Cumarundel County that by the Oaths of twelve good and lawfull men of his
bailywick or County he diligently Enquire what damages the said Audry
Gayland Ed[r] as ass has sustained by Reason of the Iniury ass and for her
Costs and Charges by her about her Suit in this behalf said out & expended
and that the Inquisition which he send to her said maj[ty]s Justices at the
next prov[l] Court to be held for the province of Maryland at Patuxent the 21st day
maj[ty]s writ there of to him directed and the same day is given to the said Audry
Gayland Ed[r] as ass also &c

At which said Court to wit the 21st day of Sept[r] Anno Dom[i] 1714 Comes
the said Audry Gayland Ed[r] as ass by her attorney ass and the said Sheriff to wit
Thomas Gassaway Gent[t] returned or produced to the Court here a Certaine
Inquisition taken before him at the City of Annapolis on the Seventeenth day of
Sept[r] in the thirteenth year of the reigne of our Soveraign Lady Queen Anne &c
by the Oaths of twelve good men by which it was found that the said Audry Gayland Ed[r] as
ass has sustained damages by Reason of the Iniury ass and for her Costs and
Charges by her about her Suit in the premisses expended and out & expended to forty
four thousand nine hundred and ten pounds of Tobacco &c

Therefore it is considered by the Justices here the 21st day of Sept[r] Anno Dom[i] 1714 ass
the said Audry Gayland Ed[r] as ass recover ag[t] the said Kenelm Cheseldyne her damages ass by the
Jurors ass in forme ass found to the Sum of forty four thousand nine hundred & ten pounds of
Tobo and also the Sum of
for her Costs and Charges laid out & expended &c, And the def[t] in Mercy

1409

September Court 1714

Jos: Joseph Alvey } Maryland ss:
Wm Paul Busy }

Paul Busy late of Prince Georges County Planter
was attached to answer unto Joseph Alvey of &c
in a plea of
trespass upon the Case &c

And whereupon the same Joseph by Thomas Bordley his Attorney Complains that whereas the
ass Paul the twelfe day of Novem[r] Anno Dom[i] Seventeen hundred and Seaven at Prince Georges
County in Consideration that the ass Joseph at the Speciall Instance and request of the ass Paul had
built for him the said Paul one Large Dwelling house Forty feet in Length and twenty feet in Breadth
and one Storey high upon himself Assumed and to the said Joseph then and there Faithfully promised
that he the same Paul so much money for building the said Large wood en Dwelling house
of the length breadth & height aforesaid as he reasonably deserved for the same to the same Joseph
when Ever he the ass Joseph to assend thereunto required to find wood and truly Contend and pay and
the same Joseph in Fact Say he that the reasonably deserved for the same building thirty
pounds Sterl[g] whereof the said Paul had notice Nevertheless the ass Paul his promise and
Assumption ass in forme ass made not regarding but intending and fraudulently Intending
the same Joseph in this part Craftily and Subtilly to Deceive and defraud the ass likely
pounds Sterl[g] or any part thereof to the same Joseph hath not paid or satisfied for the same
further to any person Enabled hath to do the same the ass Paul ass[d] to visit the twelfe
day of June Anno Dom[i] Seventeen hundred & Ten and often afterwards at Prince Geo[s]
County aforesaid by the same Joseph hath been required but the same to him hitherto altogether
hath refused and still doth refuse to the damage of the said Joseph Sixty pounds Sterl[g] and
thereof he brings his Suit &c

Pledges &c John Doe, Richard Roe

The said Paul Busy by Thomas Macnemara his Attorney comes and defends the
force and Injury when &c and prays Leave to Imparle to him unto until next Court
and he hath it and the same day is given to the pl[ff] &c

At which said next Court to wit the 13th day of April Anno Dom[i] 1714 Comes
again as well the said pl[ff] by his attorney ass as the said def[t] by his attorney ass and the said def[t]
by his said attorney prays further Leave to Imparle hereunto until next Court
and he hath it and the same day is given to the pl[ff] also &c

At which said next Court to wit the 13th day of July Anno Dom[i] 1714 Comes again
as well the said pl[ff] by his attorney ass as the said def[t] by his attorney ass and the said def[t]
by his said attorney prays further Leave to Imparle hereunto until next Court and he
hath it and the same day is given to the pl[ff] also &c

At which said next Court to wit the 21st day of Sept[r] Anno Dom[i] 1714 Comes again
as well the said Joseph Alvey by his attorney ass as the said Paul Busy by his attorney
ass and the said Paul Busy by his said attorney as before defends the force and Injury
when &c and says that he doth not Assumpsit upon himself in such manner & form as
the pl[ff] above ag[t] him hath declared and of this he puts himself upon the Country

And the pl[ff] likewise

Whereupon Command is given to the Sheriff of Ann Arundel County that he Impanell duly Qualified
Gentlemen Freeholders to the number of twelve &c who neither be of kin to the plaintiff nor defendant
&c of which said precept the said Sheriff to wit Thomas Gassaway Gent[t] Now here at
this day to wit the same day & year last mentioned maketh return that he has here
ready the twelve &c as by his precept he was Commanded, and now here afterwards to
wit the same day & year Comes as well the pl[ff] as the def[t] by their attorneys ass
and the Jurors of the said Jury Impannelled being called likewise Come to wit Thomas
Odell Will[m] Hamlet, Philip Dabis, Edw[d] Worcester Tom Freeman Tom Golding Robert
Wheeler Sam[l] Dowale Peter Skinner Tho[s] Wapole, John Sanders and Thomas Hindwife
being duly elected tryed and Sworn to say the truth in the premisses upon their oaths do say
that the said Paul Busy hath assumpsit upon himself in manner & form as the pl[ff] above

(G)