plead to the Action & Declaration aforesd. untill the third Tuesday in August then next Ensuing And he hath it the same Day is given to the Pltff. also in like manner. The aforesd Pltff. not being an Inhabitant of the aforesd Kent County — thereupon Charles Hynson & James Calder of the aforesd County Gentlemen — present here in Court acknowledged themselves Security for the aforesd Pltff. that if the said Defdt. should Nonsuit the aforesd Pltff. in the Action aforesd & the same Pltff. should not pay the Costs of the Nonsuit to the said Defdt. that then they the said Charles Hynson & James Calder or one of them will pay the aforesd Defdt. all Costs in the same Action.

At which said next Court to wit at the aforesd Kent County at the Courthouse in the Town of Chester in said County on the third Tuesday in August being the fifteenth Day of the same Month Anno Domi One thousand Seven hundred and thirty two Came the aforesd Pltff. & Defendt. by their Attorneys aforesd And the aforesd Defdt. by his Attorney aforesd as before defendd the force & Injury when &c and Prayeth leave to imparle & plead to the Action & Declaration aforesd. untill the third Tuesday in — November then next Ensuing And he hath it the same Day is given to the Pltff. also in like Manner.

At which said next Court to wit at the aforesd. Kent County at the Courthouse in the Town of Chester in said County on the third Tuesday in November — being the Twenty first Day of the said Month Anno Domi One thousand Seven hundred & thirty two Came the aforesd Pltff. & Defdt. by their Attorneys aforesd and the said Defendt. by his Attorney aforesd as before defendd the force & Injury — when &c And Prayeth leave to imparle & plead to the Action & Declaration as aforesd. untill the third Tuesday in March then next Ensuing & he hath it the same Day is given to the Pltff. also in like Manner.

At which said next Court to wit at the aforesd Kent County at the Courthouse in the Town of Chester in said County on the third Tuesday in March being the Twentieth Day of the said Month Anno Domi One thousand Seven hundred & thirty two the aforesd Cause standing for Tryal Came the aforesd Pltff. by his Attorney aforesd & the same Defdt. by his Attorney aforesd &c.

And the aforesd William by Tench Francis his Attorney Comes & defends the force & Injury when &c And Says that the aforesd. Robert his Action aforesd against him to have or maintain ought not because he saith that the Cause of the said Robert his Action did not Accrue to him the same Robert at any time within three years next before the Impetration of the Writ aforesd of the same Robert in the plea aforesd And this he is ready to verify Wherefore he prays — Judgment if the said Robert his Action aforesd against him to have or maintain ought &c.

And the same Robert as to the plea of the same William above — first pleaded Saith that he the same Robert from having his Action aforesd — thereof against the same William by anything by the same William — above in the same first plea aforesd of the same William in Manner & form — above first pleaded & the Matter therein Contained are insufficient in Law — the same Robert from having his Action aforesd thereof against the same — William to preclude & that he the same Robert to that plea in Manner and

(form)

form above pleaded hath no Need nor by the Law of the Land is in any Sort held to answer And this he is ready to verify Wherefore for want of a sufficient plea in this part the same Robert prays Judgment & that his Damages by Occasion of the Promises aforesd. to him may be adjudged &c. Joynder generall

Whereupon all & singular the Premises being by the Court here now fully understood & mature Deliberation thereupon had it appeareth to the Court here that the plea aforesd of the same William in manner & form aforesd above pleaded & the matter in the same Contained are insufficient in Law the same Robert his Action aforesd thereof against the same William from having to preclude.

Wherefore the same Robert his Damages against the same William by Occasion of the Premises to recover Ought &c.

And the said William by the licence of the Court here according to the form of the Statute in Such Case made further Saith that he did not assume upon himself in Such Manner & form as the said Robert above against him has declared & of this he puts himself upon the Country &c And the aforesd Robert in like manner.

Thereupon Command was given to the Sheriff of Kent County that he immediately Cause to Come here Twelve &c by whom &c who neither &c to recognize &c — because as well &c of which said Precept the said Sheriff to wit John Gresham Gent now here at this Day to wit the Twentieth Day of March Anno Domi Seventeen hundred & thirty two makes return that he has here ready Twelve &c as by his Precept he was Commanded. And now here afterwards to wit the Day & year last mentioned Came again the aforesd Robert Short & William Savory by their Attorneys aforesd And the Jurors of that Jury being impannelled & called likewise Came to wit — Robert Dunn Morgan Hynt Vincent Hatchenson Henry Truelock Samuel Harding David Jones, Robert Roberts William Deane Richard Knowlman William — Moore David Bryan Francis Barney who being duly Sworn & Sworn to say the Truth in the Premises upon their Oath do say that the aforesd. William — Savory did assume upon himself in Such Manner & form above against him — hath complained & Laydes the Damages of the same Robert by Occasion of the non performance of the Promise & Assumption aforesd besides his Costs & Charges by him about his Suit in that part expended to Seventeen hundred & Twenty pounds of Tobacco & for his Costs & Charges aforesd One pound of Tobacco.

Therefore it is considered by the Justices here to wit at Kent County aforesd at the Courthouse in the Town of Chester in said County on the third Tuesday in — March being the Twentieth Day of the said Month Anno Dominii One thousand Seven hundred & thirty Two that the aforesd Robert recover against the same William his Damages aforesd by the Jury aforesd in form aforesd assessed as also the Sum of Two thousand & Twenty Two pounds of Tobacco for his Costs & Charges to the same Robert by the Court now here of his Assent of Increase adjudged which Damages in the whole amounts to three thousand Seven hundred & forty Two pounds of Tobacco unto the same Robert by the Justices aforesd here of his Assent adjudged & the aforesd William Savory in Mercy &c.

And the aforesd Defendt. by Tench Francis his Attorney prays an Appeal — from the Judgment aforesd to the Justices of the Provincial Court of this Province to be held at Annapolis on the third Tuesday in May next which is granted upon

(entering)