Saith that he cannot Deny but that he has in his Hands of the Rights and Credits of the said Benjamin Birney to the value of Thirty two Pounds Currency nor but that the said James Tilghman ought to have Condemnation thereof

Thereupon the said James Tilghman Prays that upon giving Security according to Act of Assembly the Sum of Thirty two Pounds Currency so as afs. Confessed by the said Smalls Hooper may be Condemned as of the Rights and Credits of the said Benjamin Birney towards Satisfying unto the said James Tilghman as well his Damages in the Writ of Attachment afs. Specifyed as for his Costs and Charges accuringby Occasion of the Premisses aforesaid

Thereupon a certain Stephen Bordley of Ann Arundel County Esq. Present here in Court Undertakes for the said James Tilghman that in Case the said Benjamin Birney shall at any time within three Years and a Day appear and make all or any part of the said James Tilghman his Claim against the said Benjamin Birney appear to be Satisfyed or otherwise to have been undue before the laying of this Attachment that then the said James Tilghman shall make Restitution of all or such part thereof as shall so be made appear to be undue &c. or that he the said Stephen Bordley will do the same for him

Therefore it is Considered by the Justices here that the said Sum of thirty two Pounds Currency so as afs. Attached in the Hands of the said Smalls Hooper be Condemned in his Hands as of the Rights and Credits of the said Benja. Birney towards Satisfying unto the said James Tilghman as well his Damage in the Writ of Attachment afs. Specified as for his Costs and Charges accuring by Occasion of the Premisses afs. and that he have thereof his Execution &c.

Item. The Court Values Curr. Money at 82/2 ⅌ Cent

Test R Burgess Clk

Ed Stephen Lewis
John Cooke

Mem. The Plaintiff sued out his Lordships Writ of Enquiry of Damages the Tenor whereof follows in these words Viz.

Maryland ss. Charles Absolute Lord and Propietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Frederick County Greeting Whereas at a Provincial Court held at the City of Annapolis in Ann Arundel County for the Province afs. on the third Tuesday of October Last before Benjamin Young Esq. Chief Justice of our said Court and others his Associates Justices of the same Court a certain Stephen Lewis had Sued and Impleaded a certain John Cooke late of Prince Georges County Esq. For that Whereas the afs. John Cooke on the twenty Seventh Day of June in the Year of our Lord One Thousand Seven hundred and forty six the Close of him the said Stephen called Strife and Houses of him the said Stephen to wit Two Dwelling Houses and one Tobacco House at Prince Georges County afs. broke and him the said Stephen from the Possession of the sole Close and Houses Expelled and Amoved for a great time to wit for the Space of thirty days then next following held out by which the same Stephen the whole use and Profit of the same Close and Houses by the same time lost and other Harms to him the

(said)

said Stephen then and there did to the great Damage of him the said Stephen and against our Peace &c. Whereupon the said Stephen saiyed he was Worse and had Damage to the Value of Two Hundred Pounds Current Money and thereupon he brought Suit &c. It was thereupon so far Proceeded in our said Court that the said Stephen Lewis his Damages by Occasion of the Premisses afs. ought to Recover But because it is unknown unto our said Justices what Damages the said Stephen Lewis by the Occasion afs. had Sustained Therefore We Command you that by Twelve Good and Lawfull Men of your Bailywick you diligently Inquire what Damages the said Stephen Lewis hath Sustained by Reason of the Premisses afs. besides his Costs and Charges by him about his Suit in this behalf laid out and Expended and that the Inquisition which you shall take thereof to our said Justices of our Provincial Court to be held at Annapolis the third Tuesday of October next under your Hand and Seal and the Hands and Seals of those by whose Oath you make the same Inquisition you make appear and have you then there the Names of those by whose Oath you shall make the same Inquisition and this Writ Witness Benjamin Young Esq. Chief Justice of our Provincial Court the 27th Day of May in the 35th Year of our Dominion &c. Anno Dom 1749

Issued July 19th 1749 (E Dorsey) R Burgess Clk

At which said third Tuesday of October to wit the 17th Day of the same Month Anno Dom 1750 being the day of the return of the aforegoing Writ comes the said Stephen Lewis by Edward Dorsey his Attorney and the Sheriff of Frederick County to whom the same Writ was Directed likewise comes and makes return thereof to the Court here thus Endorsed Viz.

The Execution of this Writ appears by the Inquisition hereunto annexed

To Answer
John Thomas Shff.

Which Inquisition mentioned in the aforegoing return follows in these words Viz.

Frederick County ss An Inquisition Indented on the twenty first day of September in the Year of our Lord One Thousand Seven hundred and forty nine before John Thomas Esq. Shff. of the same County by virtue of a certain Writ of the Right Honourable the Lord Propietary to the same Sheriff directed to this Inquisition annexed by the Oaths of James Perry Robt. Wilson Nathan Veatch James Veatch Joshua Hickman John Davis Samuel Ellis James Gore Samuel Lamar Alexr. Lamar James Lamar and Thomas Fletchall who upon their Oaths say that Stephen Lewis named in the Writ to this Inquisition annexed hath Sustained Damages by Occasion of the Premises to Three hundred Pounds Current Money besides Costs of Suit by the said Stephen Lewis about his Suit in this behalf laid out and Expended In Testimony whereof the Sheriff as well as the Jurors have hereto set their Hands and Seals the Day and Year above said

John Thomas Shff (Seal) James Perry (Seal) Robt. Wilson (Seal)

(Nathan)