by his said Attorney prays further leave to imparle hereunto until next Court and he hath it the same Day is given to the Plaintiff also —

At which said next Court to wit the 10th Day of April Anno Dominii 1764 comes again as well the said David M'Culloch by his Attorney aforesaid as the said Absalom Butler by his Attorney aforesaid And the said Absalom Butler by his said Attorney (as before) defends the force and Injury when and so forth and saith that he did not Assume upon himself in manner and form as the said David above against him hath complained and of this he puts himself upon the Country and so forth And the aforesaid David in like manner and so forth —

And the aforesaid Absalom with the leave of the Court here according to the form of the Statute in such Case lately made and provided further defends the force and injury when and so forth and saith that the aforesaid David his Action aforesaid against him to have ought not because he saith that he did not Assume upon himself at any time within three Years before the Day of the impetration of the Writ Original of him the said David in manner and form as the aforesaid David above against him hath complained and this he is ready to verify and so forth whereforce he prays Judgment if the aforesaid David his Action aforesaid thereof against him to have ought and so forth

And the aforesaid David as to the second plea of him the said Absalom in manner and form aforesaid pleaded saith that he by any thing therein pleadged from having and maintaining his Action aforesaid to be precluded ought not because he saith that the aforesaid Absalom did Assume upon himself within three Years before the Day of the impetration of the Writ Original of him the said David in manner and form as he the said David above against him hath complained and this the said David prays may be enquired of by the Country and the aforesaid Absalom in like manner and so forth

Whereupon for trying the Issues aforesaid Command is given to the Sheriff of Ann Arundel County that he immediately cause to come here twelve good and lawful Men of his Bailiwick by whom &c who neither &c. to recognize &c. because as well &c. of which said precept the said Sheriff to wit Joseph Galloway Esq. makes return that he has here ready twelve &c. as by the same Precept he was commanded to wit

Thomas Dorsey (foreman) Samuel Hanson Junior, Benjamin Duke, Nathaniel Hynson, John Gresham, Ely Dorsey, William Wilcox, Alexander Frazier, Benjamin Tolson, Thomas Beedle, John Franks and Kenelm Cheseldine Woodcock

Who being duly elected tryed and sworn to say the Truth in the premisses upon their Oath do say that the said Absalom Butler did Assume upon himself

in manner and form as the said David M'Culloch above against him hath complained And the Jurors aforesaid upon their Oath aforesaid do further say that the said Absalom Butler did Assume upon himself within three Years before the Day of the Impetration of the Writ Original of him the said David M'Culloch in manner and form as the aforesaid David M'Culloch above against him hath complained and Assess the Damages of the said David M'Culloch by Occasion of the Non performance of the said Absalom Butler in the Declaration aforesaid specified to Six hundred and seventeen pounds of Tobacco and One hundred pounds two Shillings Currency besides his Costs and Charges

Therefore it is Considered by the Justices here that the said David M'Culloch recover against the said Absalom Butler the sum of six hundred and seventeen pounds of Tobacco and one hundred pounds two Shillings Currency his Damages aforesaid by the Jury aforesaid in form aforesaid Assessed as also the sum of

Tobacco by the Court here into the said David M'Culloch on his Absent Adjudged for his Costs and Charges by him about his Suit in this behalf laid out and expended and the said Defendant in Mercy &c.

Wm. the plaintiff agrees to take Dollars at 7/6. in Discharge of Damages

Test Reverdy Ghiselin (Clk)

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14 Samson Levy
against
7/6 James Carey } Command was given to the Sheriff of Ann Arundel County that he should take James Carey late of Ann Arundel County Gentleman if he should be found in his Bailiwick and him safe keep so that he might have his Body before the Justices of his Lordships Provincial Court to be held at Annapolis the second Tuesday of April then next to answer unto Samson Levy in a plea of Trespass upon the Case And that thereof he the said Sheriff should not fail at his peril and so forth

At which said second Tuesday of April to wit the 12th Day of the same Month Anno Dominii 1763 being the Day of the Return of the aforegoing Writ comes the said Samson Levy by John Hall his Attorney And the Sheriff of Ann Arundel County to whom the same Writ was directed also comes and makes Return thereof to the Court here thus Endorsed to wit.

Copi Kensey Johns Shr

And the said James Carey being called upon Appears And at the prayer of the plaintiff by his Attorney aforesaid the said James Carey is Adjudged to give Special Bail to the Action aforesaid Thereupon a certain Thomas Mayo present here in Court undertakes for the said James Carey that in Case the said Samson Levy shall recover Judgment against the said James Carey in the plea aforesaid or that the said James Carey shall be therein legally Convict that then the said James Carey shall pay the Condemnation