still doth neglect and refuse to do so And the said Anthony further saith that he the said John hath not hauled stones sufficient to build a Chimney in the said House in the said Articles of Agreement mentioned now hath the said John got a mason and paid him for building the said Chimney according to the said Covenant but hath wholly neglected and refused to do so and still doth refuse altho' the said Anthony hath requested him to do so and offer to attend the said Mason and find him in diet and lodging during the building of said Chimney to wit, on the day and year aforesaid and often afterwards at the County aforesaid. And the said Anthony further saith that the said John did not build a Barn on the said plantation between thirty and forty feet long and twenty feet wide and cover the same with straw or plank and make a good threshing floor in it on or before the first day of November in the said Articles according to the form and effect of the said Covenant but hath wholly neglected and refused to do so and still doth neglect and refuse and so the said Anthony saith that the said John altho' often requested hath not kept with the said Anthony his said Covenant so made with him the said Anthony in that respect as aforesaid but hath broke it and hath hitherto wholly denied and still denieth to keep the same with the said Anthony to the damage of him the said Anthony One hundred pounds Current money as it is said. And it is in such manner proceeded in our same Court before us that it is considered in our same Court that the said Anthony Livers ought to recover his damages by reason of the premises against the said John Creyer But because it is unknown to our said Court what damages the said Anthony Livers hath sustained by reason of the premises aforesaid. Therefore we command you that by the Oath of twelve good and lawful Men of your Bailiwick you diligently enquire what damages the said Anthony Livers hath sustained as well by reason of the premises as for his Costs and charges by him about his suit in this behalf expended and the Inquisition which you shall thereof take make return thereof to the Justices of the next County Court to be held at the Court House in Frederick Town in and for the County aforesaid on the third Monday of March next under your seal and the seals of those by whose Oath you shall take that Inquisition together with this writ, Witness Richard Potts Esquire Chief Justice of our said Court the 21st. day of November 1796.

(Issued)

Issued the 29th. day of December 1796 Wm. Ritchie Clk

A. Shaaff for Plaff. J. Johnson & J. Mason for Defendant.

And now here at this day to wit, the third Monday and twentieth day of March in the year seventeen hundred and ninety seven being the day of the return of the aforegoing recited writ comes the said Anthony Livers by Arthur Shaaff his Attorney and the Sheriff of Frederick County to whom the same writ was directed also comes and makes return thereof to the Court thus endorsed, to wit.

The Execution of the Within writ appears by the Inquisition thereunto annexed. So answers Richard Butler Sheriff.

The Inquisition mentioned in the aforegoing return follows in these Words, to wit:

Inquisition Indented and taken the sixteenth day of January in the year of our Lord one thousand seven hundred and ninety seven, at the Court House in Frederick Town and County before me Sheriff of the said County in pursuance and by virtue of a Writ to me directed and which is to this Inquisition annexed due notice of the time and place of the execution of the same Writ having been first given to John Creeger the Defendant in the same writ mentioned by the Oath of Allen Duynn Jun. John Ramsberg, Andrew Law, Michael Hauser, Isaac Mantz, Jacob Bougher, Henry Koontz Sen. John Leather, Christian Getzendanner, Samuel Philips, Henry McClery, Peter Hawman twelve good and lawful men of the County aforesaid who being charged and sworn upon their Oath do say that the same Anthony Livers in the said writ mentioned hath sustained damage by occasion of the promises besides his Costs and charges by him about his suit in this behalf laid out and expended to the sum of Eighty five pounds Current Money, In Witness whereof as well I the said Sheriff as the Jurors aforesaid have subscribed our hands and affixed our seals the day and year above written

Richard Butler Shff (seal)

Allen Duynn Jun (seal) Josannum Kunny fur (seal) Andrew Law (seal) Michael Hauser (seal) Isaac Mantz (seal) Jacob his mark Bougher (seal) fur (seal) John Leather (seal) Christian Getzendanner (seal) Samuel Philips (seal) Henry McClery (seal) Peter Hawman (seal)

Therefore it is considered by the Justices here that the said Anthony Livers do recover against the said John Creeger his damages aforesaid to Eighty five pounds Current Money by the Inquisition aforesaid in form aforesaid found and also four pounds ten shillings Current Money and three thousand, three

(hundred)