

Liber M M in p^rsence of the Attornyes of both sides; The Court gave Judgem^t according to the Report of the said Auditor^s, and the paps mentioned in the said Report were Delivered up in open Court to both ptyes according to the said Report, and ordered that Henry Phipps sufficiently Empower y^e sd Thomas Marsh for the Recovery of the said Debts due for the Pantyle as in the said Report is mentioned and it is further Considered that the said Henry Phipps Recover ag^t the said Thomas Marsh the sume of Seaven Thowsand Two hundred sixty six pounds of Tobacco the ballance of the account aforesayd, and the sayd Henry Phipps by his Attorney prayed the writ of the Lord Proprietary retornable imediate to Enquire what Damages he had susteined by Reason of the said Thomas Marsh his not accounting with him sooner, and it was by the Court graunted unto him in these words vizt.

Caecilius absolute Lord & Proprietary of the Province of Maryland and Avalon Lord Baron of Baltamore &c To the Sheriff of St Maryes County Greeting Whereas Thomas Marsh late of Ann Arundell County was sumoned of being in this Court before the Justices of the same Court at St Maryes to Render unto Henry Phipps Adm^r of the goods and Chattells of Edward Maynard Deceased his Reasonable acc^t for the time he was Receiver of the Tobacco of him the said Edward Maynard and for that the sd accounts were by this Court referred to auditor^s and the said Auditor^s not having Retorned any Damages or Costs it not being before them And because it is not Knowne what Damages the said Henry Phipps had susteined by occasion of his not accompting with the sd Henry in Reasonable time wee therefore Comaund you that you Cause to Come before the Justices of this Co^{rt} this thirteenth day of ffebruary Twelve good and lawfull men of yo^r Baliwick to enquire what Damages the said Henry Phipps has susteined aswell by occasion of the p^rmises as for the Costs and Charges by him the said Henry in that behalfe layd out hereof you are not to fayle at yo^r pill and have you there this writ. Witnes Charles Calvert Esq^o our Cap^t Gen^rall and Cheif Justice of our said Province of Maryland this thirteenth day of ffebruary in the 42th yeare of our Dominion over our sd Province of Maryland Annoq^o Domini 1673.

At w^{ch} said thirteenth day of ffebruary Come aswell the said Henry Phipps by Kenelm Chiseldyne his Attorney as the said Thomas Marsh by Robert Carvile his Attorney and the Juro^{rs} of that Jury likewise came but because his Lo^{pps} Justices here p^rsent will advise themselves of and upon the p^rmises they have ordered the said writ of Inquiry of Damages to be put in Respit untill the first day of the next Provincial Court & the same day is given to both ptyes.