

Liber M M in the County of New Yorke did in psuance of a Certeine Contract and Charterpty made betweene them the sd John Litchington Mariner Master & pt owner of the good ship Called the Mary of London of the one pty and the sd John Maltby by the name of John Maltby of New haven in New England Marchant on the other pty had given & Delivered unto the sd John Litchington his bill of Exchange according to the use of Marchants to one John Nethway Marchant in ffall Directed, and by the same his bill of Exchange had apointed and authorised him the sd John Nethway to pay unto him the sd John Litchington the sume of One hundred & Twenty pounds sterling at ten dayes sight of the said bill of Exchange, the said John Maltby did then & there assume upon himself, and in Consideracōn thereof to the said John Litchington did faithfully pmise that if the sd John Nethway should not Content satisfy & pay unto the sd John Litchington the sd sume of 120^l sterl at Tenn dayes sight according to the Teno^r & Effect of the said bill of Exchange that he y^e sd John Maltby the sd sume of 120^l sterl to him the sd John Litchington when thereunto Required would well & truly Content & pay, and the said John Litchington in fact saith that he the said John Litchington did shew the 27th day of January 1671 the sd bill of Exchange of 120^l Sterl unto the sd John Nethway & Required him the sd John Nethway to pay the sd sume of 120^l sterl according to the Teno^r of the said bill of Exchange w^{ch} sd bill of Exchange the sd John Nethway wholly Refused and Denied to accept & pay whereby action hath accrued to the sd John Litchington to Require & have of the sd John Maltby the sd 120^l Sterl, Notwthstanding w^{ch} the sd John Maltby his sd pmise & assumption as aforesd made little regarding but Devising and fraudulently intending him the sd Litchington the sd 120^l sterling to Defraud and Deceive the sd 120^l sterl though often Required to him the sd John Litchington according to his promise hath not payd but the same altogether Denyes

And the said John Maltby by Vincent Lowe his Attorney Cometh & Defendeth the wrong & Injury when &c and saith that he did not assume & pmise in manner & forme as the sd John Litchington hath above Declared ag^t him & of this he puts himself upon the Country and the sd John Litchington likewise.

Therefore Comaund is given to the Sheriff of St Maryes County that he Cause to Come before the Justices of the next Provincial Court to be held at the City of St Maryes the 11th day of ffebruary next being the first day of the same Court; Twelve &c by whom &c who neither &c because aswell &c to Recognize &c & the same day is given to both ptyes.

At w^{ch} day that is to say the 11th day of ffebruary in the 41th yeare of the Dominion of Caecilius &c Annoq̄ Domini 1672 Came aswell the sd John Litchington by Kenelm Chiseldyne his Attorney as the sd John Maltby by Vincent Lowe his Attorney & the Juro^{rs} of that