

Liber N N sumpcōns in nowise regarding but endeavouring & intending him the said John in this behalfe craftily & subtilly to deceive & defraud, the said Sumē of Eighteen pounds sterf or any parcell thereof hath not paid, or any other satisfaction for the same in any manner made according to his promises & assumpcōns aforesaid although unto this he hath bin thereunto in the said County of Somerset the third day of ffebruary last requested, but the same to him to pay & satisfie hath refused & as yet doth refuse, whereupon he saith that he is the worse & hath damage to the Value of fforty pounds sterf, & thereupon he brings his suite

And the said Thomas Clarke by Robert Ridgely his Attorney cometh & defendeth the force & injury when &c and prayeth liberty to imparle hereunto untill next Provintiall Court & itt is granted unto him, the same day is given to the plaintiffe also

Now here att this day to witt the fifth day of June in the fourth yeare of the Dominion of Charles Lord Baltemore &c Annoꝝ Doni One thousand six hundred Seventy nine cometh as well the said plaintiffe as the said Defend<sup>t</sup> by their Attorney aforesaid And the said Defend<sup>t</sup> by his said Attorney saith, that he did not assume & promise in manner & form as the said John Longden about against the said Thomas Clarke hath complained And of this he putts himselfe upon the Countrey And the plaintiffe likewise Therefore itt was comāded the Sheriffe of S<sup>t</sup> Maryes County that he cause to come here twelve &c by whom &c and who neither &c to recognize &c because as well &c Att which said fifth day of June in the yeare aforesaid cometh as well the said John Longden as the said Thomas Clarke by their Attorneys aforesaid And the jurors impannelled being called likewise come to witt John Evans, Stephen Murty Samuel Asbiston, Richard Sweatnam, Anthony Evans, Robert Peca, Nicholas Hacket & Robert Smith, Thomas Lomax, John Watson, p. 8r8 Theophilus Turford & Henry Penington who being Elected tryed & Sworne to say the truth in the p<sup>m</sup>isses upon their Oaths doe say that the said Thomas Clarke did assume & promise in manner & forme as the said John Longden above against him hath declared. Which Verdict of the jurors aforesaid being read & heard, the Defend<sup>t</sup> by his Attorney aforesaid moved the Court here in Arrest of judgem<sup>t</sup> and for Arresting thereof saith, that the plaintiffe or his Attorney have not sued out a Venire facias in this case directed to the Sheriffe of S<sup>t</sup> Maryes or any other County to Surmons a jury for the said tryall, which is sufficient Error to Arrest the judgm<sup>t</sup> aforesaid Which being read & heard itt is the judgement of the Court here that the reason aforesaid is insufficient in Law to Arrest the judgem<sup>t</sup> aforesaid Therefore itt is considered that the said John Longden recover against the said Thomas Clarke as well the Sumē of Eighteen pounds sterf damages by the jurors aforesaid in forme aforesaid assessed As also thirteen hundred sixty four pounds of tobacco costs of suite And the Defendant in mercy &c