

Liber W. C. susanna his wife and John Gyatt and Alice his wife Executrixes as aforesaid take nothing by their writ aforesaid. but be in Mercy for their false Claime thereupon, and that the said Kenelm Cheseldyn goe thereof without day &c.

John Baker } Daniel Carnell late of Talbot County gentl was At-  
 ag<sup>t</sup> } tached to answe unto John Baker of a plea of  
 Daniel Carnell } Trespasse of the Case

And whereupon the said John Baker by Robert Ridgely his Attorney complayneth that Whereas the said Daniel the sixth day of March 1679 being Justly indebted unto the said John in the sume of Two thousand three hundred pounds of tobacco for divers goods and Marchandizes to him the said Daniel by the said John att the Speciall instance and request of him the said Daniel before that time sold and delivered. In Consideration whereof the said Daniel did Assume upon himself and to the said John Did then and there faithfully pmise that the said Daniel him the said John the said sume of Two thousand three hundred pounds of tobacco when thereunto required would well and truely content & pay. Yett Neverthesse the said Daniel his promise and assumption aforesaid made not regarding, but Deviseing and fraudulently intending him the said John in that behalfe Craftily and Subtily to deceive & defraude the said Sume of Two thousand three hundred pounds of Tobacco according to his promise and Assumption aforesaid hath not payd Although often thereunto required but the same to pay hath denyed and still doth denye to ye Damage of the said John ffoure thousand six hundred pounds of tobacco **And** thereupon he bringeth his suite

**And** the said Daniel Carnell by Robert Carvile his Attorney cometh and Defendeth the force & injury when &c and prayeth Liberty to imparle hereunto untill next Provinciaall Court and it is granted unto him the same day is given to the Plantiffe Likewise

Now here at this day to wit the sixth day of March in the seaventh yeare of the Dominion of the Right hono<sup>ble</sup> Charles Lord Baltimore &c. Annoq̄ Doni 1681 came the said partyes by their Attorneys aforesaid and the said Daniel Carnell by his said Attorney sayth That the said John Baker his accōn aforesaid against him ought not to have, Because he sayth that the said John after the said sixth day of March 1679 in y<sup>e</sup> Declaration mencōned on w<sup>ch</sup> day it is suposed the said Daniel stood Justly indebted to the said John the sd sume of Two thousand three hundred pounds of tobacco, that is to say upon the seaventeenth day of March in the yeare of our Lord 1679 aforesaid by his writeing und<sup>r</sup> his hand & here in Court produced. did acknowledge to have Received of the said Daniel Carnell the sume of ffive thousand three hundred and fifty pounds of tobacco in full of all bills bonds and dues debts & demands whatsoever from the beginning of the world untill that day and