

Liber W. C. Daniel Lopdell of the said Sume of thirty five hundred pounds of tobacco in manner and forme aforesaid to deceive and defraud The said sume of ffive and thirty hundred weight of Neate tobacco aforesaid in forme aforesaid hath not delivered to the said James Congdon or any wayes payd and satisfyed the same Although often thereunto required but the same to the said James Congden according to his promise and assumption aforesaid to pay and satisfy for the use of the said Daniel hath refused and Still doth refuse to the damage of the said Daniel Six Thousand pounds of tobacco, And thereupon he brings his suite

And the said Thomas Cooke by Kenelm Cheseldyn his Attorney cometh and defendeth the force and injury when &c. and prayeth liberty to imparle hereunto untill next Provinciaill Court and it is granted unto him and the same day is given to the plt likewise

**Now** here at this day (to wit the) fourth day of July in the Eighth year of the Dominion of the Right hono<sup>ble</sup> Charles Lord Baltimore &c. Annoq; Doni 1683 came the said partyes by their Attorneys aforesaid. And the said Thomas Cooke by his said Attorney sayth that he did not assume upon himself in manner and forme as the sd Daniel Lopdell in his Declaration hath declared against him And of this he puts himself upon the Country

And the said Daniel Lopdell by Griffith Jones his Attorney for Replication to the defts plea sayth That the said deft did assume and promise in manner and forme as in the sd pfts Declaracon is Sett forth and this he is ready to averr And prove And this he prayes may be Enquired of by the Country, And the defendant likewise

Itt is therefore comanded the sheriffe of s<sup>t</sup> Maries County that he Cause to come here twelve &c. by whome &c. and who neither &c. to recognize &c. because aswell &c.

On w<sup>ch</sup> said fourth day of July in the yeare aforesaid Came the said partyes by their Attorneys aforesaid And the Jurors Impannelled being called likewise came (to wit) Philip Lynes Richard Keene John Hungerford Richard Royston John Power Samuel Dobson, John Wilkenson Thomas Stonestreet, James Phillips Stephen Murty Dennis Hurley and Hugh Hopewell Who being elected tryed and sworne to say the truth in the premisses (and the said Daniel Lopdell though solemnly called appeared not) Upon their oathes doe say That the said Thomas Cooke did not assume upon himself nor to y<sup>e</sup> said Daniel Lopdell make such promise as the said Daniel hath above declared against him Itt is therefore Considered by the Court here that the said Daniel Lopdell take nothing by his writ aforesaid but be in mercy for his false clayme therein, and that the said Thomas Cooke goe from thence without day, and that the said Thomas Cooke Recover against the said Daniel Lopdell the Sume of One thousand & sixteene pounds of