At a County Court held held by Their Matis. Justices of the Peace for the County of Somerset and Province of Maryland the 12th day of August Anno Domi. 1690

Commissioners. Present were. Col: David Brown. Mr. Francis Jenkins.
Mr. Thomas: Newbold. Capt. Jno. Linder.
Mr. Ja: Daniels. Mr. Geo: Layfield. Mr. Ed: Jones.

Memorandum: att the request of Mr. Samuel: Hopkins. the following Cause which should properly have been inserted in the 15th day's proceedings is as followeth — so Hopkins having speedy occasion for his papers.

Walter Taylor Plt.
agt
Mr. Samuel: Hopkins Dft.

vide Court's 15th day's Declaration being read. Issue was joyned. and the whole Cause referred to a Jury of twelve men duly impannelled & Sworne.

Somerset County ss. Mr. Samuel: Hopkins of this County was Summoned to answer unto Walter Taylor of the same County in an action of the Case. — And whereupon the plt by his Attorney John Taylor comes and says about the monthe of August last past the sd Samuel: Hopkins did buy of the plt twelve Culls of Cypress Timber, for the which the sd Deft did promise to pay unto the sd Taylor twenty two yards of the best sort of the whole Pill linnen of Letteram breadth which sd linnen to pay doth utterly deny to pay although often thereunto required by the plt, but part of the Timber hath received and therefore there being therefore for him to receive, but could not carry it at that time by which fraudulent means the plt saith he is dammified to the value of fourty four yards of the like linnen. and thereupon brings his suit

Taylor pt Pltf

Hodges & prentiling Pltf Atty

Jno: Taylor was not admitted to plead at Barr his Bro: Walter for him self did managed by Walter

Taylor Plt.
Hopkins Dft } Plea in Barr of the action

And whereas the dft by James Sangster his Attorney comes and defends the force and injury. and saith that plt his action ought not to have 1st. because the defendt is ready to hold Covenant and bargain with the plt, upon the delivery of the 12 Culls of Cypress Timber, 2ly. the plt by the delivery of part as he alledges hath not named the quantity being contrious of the fraudulent and deceit of the same, paying the defendt with half the quantity of Culls that he agreed for, thereby treating the defendt not, and spoiling the timber, as may appear upon view 3ly. whereas the plt confesseth that he hath not carried all the Culls tacitly implying that the whole must be delivered, and good sound & sufficient Culls before satisfaction, till such delivery and payment denyed, thereupon he craves judgment

Sangster pr defendt.

Then was there the following papers preferred to Court & Jury.

(1st) We the persons whose names are here under Subscribed were requested by Samuel: Hopkins Senio to view a parcell of Cypress Timber standing in the sd Hopkins to have hewn, which timber Hopkins affirmed he had sent him by Walter Taylor or his Order. Now we the sd persons Subscribers as aforesd do hereby certify make known unto all persons whom this may or doth Concern that we have deliberately viewed, stam and compared the sd timber, both as to quantity and quall and