And the Said Deft being Called cometh and by Christopher Philipson his Attorney appeared and prayd liberty thereof to imparle untill the next Court wch to him was granted the Same day wagr w the pltff also

All which Said next Court viz the Twenty Sixth day of August in the year afs the Said Cause standing for Tryal came the Said pltff by John W. Wingar his Attny and the Said Deft by Christopher Philipson his Atty and the Said pltff by his afs Attny Declare viz Kent County in Maryland ss James Wosell of Kent County Gent was Attached to Answer unto Otho Otterson of a plea of Trespass upon the Case = And whereupon ye Said Otho Otterson by Jno Wellinger his Atty complains for that namely that whereas on the Twenty Sixth day of November in the year of Lord Christ one thousand Seaven hundred & Seaven in Kent County afs within the Jurisdicion of this Court the Said James was indebted to the Said Otho in the Sume of thirteen hundred & Seaventeene pounds of Tobacco for ye like Sume of Tobacco before that time of the Said Otho by the Said James had & received whereupon he the Said James on the day & year afs within the Jurisdicion afs did Doln ye Said Otho a certaine note or order directed to a certaine Jno Talley Subscribed w the proper hand of him the Said James by wch the Said James did require the Said Jno Talley to pay unto the afs Otho Otterson or Order the Sume of thirteen hundred & Seaventeene pounds of Tobacco afs the Same Specified note here in Court produced may appear And in Consideration of the premisses he the Said James on the day & year aboue mentioned within the Jurisdicion afs upon himselfe did Assume and unto the Said Otho then & there faithfully promise that if in case the afs Jno Talley should refuse to Accept of ye note afs & pay ye contents thereof he the Said James when he should have notice of Such refusall ye afs Sume of thirteen hundred & Seaventeen pounds of Tobacco unto the Said Otho would well & truly pay & Content And the Said Otho in fact Saith that afterwards viz on the thirteenth day of Ianuary in the year afs he the Said Otho did exhibit & offer ye aboue mentioned note to ye Said Jno Talley and did require payment of the afs thirteen hundred & Seaventeene pounds of Tobacco in the afs note mentioned whereupon he the Said Jno Talley did deny & utterly refuse payment of the Sume of wch Said denyall & refusall ye Said James on the Sixteenth day of March in the year afs within the Jurisdicion afs had notice Yett notwithstanding the Said James his promise & Assumption afs made not minding but contriving & fraudulently intending him the afs Otho in this behalfe craftily & subtilly to deceive & defraud ye afs thirteen hundred & Seaventeene pounds of Tobacco unto the Said Otho hath not paid Allso to Doe the Same he the Said James on ye afs Sixteenth day of March and often Since in Kent County afs within the Jurisdicion afs he the Said James was required But the Same to pay he the Said James hath denyed & refused and as yett doth Deny & refuse to the damage of the Said Otho two thousand pounds of Tobacco And thereof he brings Suite &c Wellinger Q quod Plegiat de Prosequendo &c

And

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