the Sum of five pounds tenn Shillings as by a certain Note by the Said Wm Signed Dated the Day and Year aforesd may in Court appear and being so thereof Indebted the Said Willm in and by the Said Note upon him: selfe did Assume and to the Said John then and there did faithfully promise that he the Said Willm the Said five pounds ten Shillings Viz.t: a pistole to be paid in Cash and the Remainder to be paid in tobacco at one penny per pound in the Space of four Months from the day of the Date date of the Said Note to the Said John he would well and faithfully pay and Content Nevertheless the Said Willm his promise and Assumption aft in forme aforesd Made Nothing Regarding but plotting and fraudulently Intending the Said John in that ffe hastilly and Subtilly to deceive and Defraud the Said five pounds ten Shillings to the Said John tho' often thereunto Requested according to the Contents of the Said Note hath not paid or Contented but the Same to him hitherto to pay or Content hath Refused and Still doth Refuse and Deny Where: upon the Said John Saith he is worse and hath Damage to the Value of Eleven pounds Current Money of Maryland and thereupon he brings Suit &c:

Pledges &c: Jn Doe R Roe

A Copy of the foregoing declaration was made to be served on the aforesaid William Smith in Custody as aforesaid ... At which said next Court to wit the fifteenth day of August anno Domi. One thou: sand Seven hundred and thirty two Came again as well the aforesaid John ffleming by his attorney afd as the aforesaid William Smith in Custody as aforesaid and whereupon the aforesaid John ffleming by his attorney aforesaid discharges the Said William Smith from the Committment afd. Therefore it is Considered that the afd William Smith of the Committment afd be acquitted —

Whereupon the Said William Smith by Robert Dent his Attorney Comes and Defends the force & Injury when &c and Says that he Cannot gainsay the action aforesd of the aforesd John nor but that he did Assume upon himself in Manner and forme as the aforesd John above against him Complained and as to the Damage of the Same John by him by Occasion of the premises in that part Sustained the Same Wm Saith and Confesseth that the aforesd John has Sustained damages by occasion of the premises beyond his Costs and Charges by him about his Suit in that part apposed to five pounds ten Shillings and not more and because the afd John Denys not this but the Same Allegation — Confesseth —