

March Court - - - 1734 - - - (264)

Sommeret John Dear late of Sommeret County planter was attached to answer unto Stephen Dear of a plea of trespass upon the case &c.

And whereupon the said Stephen by George Douglas his attorney complains that whereas the said John on the tenth day of March Anno: Dom: Seventeen hundred & thirty two at Sommeret County and within the Juris: of this Court was indebted to the said Stephen in the quantity of fifty bushells of Indian Corn of the value of four pounds three Shillings & four pence current money of Maryland for a ware by the S: Stephen to the said John at the Especial request and Instance of the said John before that time sold and delivered and being so thereof indebted on Consideration thereof upon himself did assume and to the said Stephen then and there faithfully promise that he the said John the said fifty bushells of Indian Corn when he should be afterwards thereof required to the said Stephen would faithfully content and pay Nevertheless the said John his promise and assumption afo: in manner and form afo: nothing regarding but plotting and fraudulently intending the said Stephen in that part craftily and Subtily to deceive and defraud the afo: fifty bushells of Indian Corn or any part thereof to the said Stephen hath not paid or him for the same in any sort contented but the same to him to pay hath altogether refused and the same to him to pay still doth refuse altho: the said fifty bushells of Indian Corn to the said Stephen to pay the said John afterwards to wit the day & year afo: at the County afo: and often since that time was required whereupon the said Stephen say he is the worse Eight pound current money of Maryland & thereof he brings suit

1732 Dr: Mr: John Dear  
march 10<sup>th</sup> To one mare sold and delivered  
you for

Jediges & John Douglass: Pro

Errors Excepted  
Feb: 6<sup>th</sup> 1734 - of me Stephen S Dear  
his marks

Feb: 6<sup>th</sup> 1734 Then if above  
acc: was proo: in Common forme  
according to law before me

A Copy of the foregoing declaration and acc: was made and sent to be served on the defend: with the will in the plea afo: according to act of assembly in such case made and provided &c.

All which said third Tuesday of March to wit the Eighteenth day of the same month Anno: Dom: One thousand Seven hundred and thirty four came the said Stephen Dear by his attorney afo: and the Sheriff of Sommeret County to whom the foregoing will was directed likewise cometh and maketh return thereof to the Court here Entered in these words following Viz: -

Wherupon the said John Dear by Francis Allen his attorney cometh and defendeth the force and Injury when &c: and saith that he cannot gainsay the action afo: of the afo: Stephen Dear nor can he say but that he did assume upon himself in manner and forme a the afo: Stephen Dear above against him hath complained and as to the damage of the same Stephen by him by Occasion of the premises in that part sustained the same John saith and Confesseth that the afo: Stephen hath sustained damages by him by Occasion of the premises beyond his costs and charges by him about his suit in that part Appoyed to fifty bushells of Indian Corn and not more and because the afo: Stephen deny not  
(This