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ensuing the date of that note by means whereof and by force of the statute in that case lately made and provided the said James became chargeable chargeable to pay to the said John the said quantity of tobaccos according to the tenor of the said note and so being thereof chargeable to witt the day and year last aforesaid at the County aforesaid on Consideration thereof upon himself did assume and to the said John then and there faithfully promise to pay the contents of the said note according to the tenor of the said note Nevertheless the said James his promise and assumption aforesaid in form aforesaid made not regarding but minding and fraudulently intending the said John in that part craftily and subtilly to deceive and defraud the said contents of the said note according to the tenor of the said note to the said John hath not paid or him for the same in any sort contented but the same to him to pay hath refused and still doth refuse altho' thereto afterwards to witt on the second day of march in the year last aforesaid at the County aforesaid and often since that time by the said John required Whereupon he says he is damaged twenty pounds Court money of Maryland and thereof he brings suit &c. Gledges G. Doe & R. Thoe

All which day here before the Justices of his Lordships County Court of Somerset at Devonding heere came the aforesaid John Caldwell by his attorney aforesaid and the sherriffe to witt John Henry Gent. at the same day here returned that he had taken the said James Townsend whose body hereat this day he had ready to answer the aforesaid John Caldwell of the aforesaid plea as to him it was Comanded and the same sherriffe further returned that he had served the same James Townsend with a copy of the declaration aforesaid according to the act of assembly in such case made and provided &c.

And the aforesaid James Townsend in his proper person Cometh and defendeth the force and Injury when &c. and saith that he cannot deny the action aforesaid of the aforesaid John Caldwell nor but that he did assume upon himself in manner and form as the aforesaid John Caldwell above against him hath Complainied and as to the damage of the same John by him by occasions of the premises in that part sustained the same James Townsend and acknowledgeth that the aforesaid John hath sustained damages by occasion of the premises beyond his Costs and Charges by him about his suit in that part appoynted to eleven hundred and forty pounds of tobaccos and not more and because the aforesaid