

in the plea aforesaid. Whereupon at the request of the parties aforesaid day is to them here given to be before his Lordships Justices at the next Court to be held at dividing Creech in and for the County aforesaid the third Tuesday of August the next following in the same ^{at present} late saving to the parties &c. — At which day here came againe as well the aforesaid Day Scott as the aforesaid Benjamin Townsend by their attorneys aforesaid and Whereupon the said Day Scott declared against the aforesaid Benjamin Townsend in the plea aforesaid in form following Somerset County s^t. Benjamin Townsend late of Somerset County Merchant was attached to answer unto Day Scott of a plea of trespass upon the Case &c. — And Whereupon the said Day by Robert Jenckins, Henry his attorney complains that whereas the said Benjamin Townsend on the sixth day of May in the year of our Lord God one thousand seven hundred thirty and seven at Somerset County aforesaid was and still is a trader and dealer in pork and other Merchandize and whereas the said Benjamin on Consideration that he the said Day then and there promised to pay the said Benjamin the sum of twenty four pounds Curr^t. paper money of Maryland and eight pounds in Gold Curr^t. money of the same province the said Benjamin on Consideration thereof upon himself did a p^rime and to the said Day then and there faithfully did promise that he the said Benjamin would then and there sell and deliver unto the said Day sixteen Barrells of good sound and Merchantable pork full and well packed and a sufficient and usual quantity of neat pork contained in each Barrell and in case it should happen that any of the said Barrells upon view thereof should not be full and well packed and a sufficient and usual quantity of neat pork in every of the said sixteen Barrells then the said Day or such person as he should appoint should have free Consent and Liberty of him the said Benjamin to repack the pork in any of the said Barrells contained that should prove defective in any of the particulars above mentioned out of other Barrells residue of the same sixteen Barrells and after the said Barrells of pork should be so repacked as aforesaid the said Benjamin to the said Day then and there did faithfully promise that he the said Benjamin would refund and repay to the said Day at the rate of thirty shillings like paper money and ten shillings whole Gold by the Barrell for so many Barrells of pork as should be wanting of the said sixteen after the said