

Thereupon it is commanded the Sheriff of Somerset County that Immediately he should cause to come here before his Lordships Justices Twelve by whom & who neither to recognize & because as well, and the Jurors of that Jury by the assent of the said John Henry Gents. to this Imparcelled to: with Edmund Hough Thomas Dixon, Isaac Marshale Robert Mitchell Richard Brook William Venables John Fleming John Roach James Shawbridge Solomon Long Nathaniel Waller & James Crippman being called came who to say the truth of the premises and being Elected byed and Sworn upon their Oath say that the aforesaid Benjamin Townsend did assume upon himself in manner and form as the aforesaid Day Scott above against him hath complained and asked the damages of the same Day further than his Costs and Charges by him about his Suit in that Appoyed to three pounds current money of Maryland and for those Costs and Charges to one pound of the same.

Whereupon the said Benjamin Townsend saith Judgment on the Verdict aforesaid ought not to be rendered because he saith that the Declaration and the matter therein contained is not sufficient in Law to maintain the action. Whereupon all and singular the premises being seen and by the Court hereofly understood and mature deliberation thereupon had it seemeth to the Justices here that the Declaration aforesaid and the matter therein contained are sufficient in Law for to support Judgment on the Verdict and so as is rendered by the Jurors and on behalf of the said Day Scott against him the said Benjamin Townsend.

Therefore it is considered that the said Day Scott recover against the said Benjamin Townsend the damages and by the Jurors and in form and asked as also ¹²⁵⁷ pounds of tobacco for his Costs and Charges and to the same Day Scott by the Court here of his assent of Increase as judged which certain damages in the whole amount to three pounds current money of Maryland and pounds of tobacco and the said Benjamin in Maryland.

Whereupon the said Benjamin Townsend prays the Court here to dispoise themselves into a Court of Chancery and that they would proceed to determine the premises above between him and the said Day in Equity according to act of Assembly in such case provided which is unto him granted he first giving security to the said Day Scott as well to answer the damages Costs and Charges above said as all Costs Charges and Damages that might or should be adjudged in Equity. In case the Court of Chancery should decree the same. Whereupon a certain Joseph Dashiell of Somerset County planter present herein Court in his proper person undertook for the said Benjamin Townsend and

assured.