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and one pounds of tobacco for the like quantity of tobacco by the said Levin for the said James at the Especiall request and Instance of the said James to a certain Francis Porter before that time paid and so being thereof indebted on Consideration thereof afterwards to wit the day and year a^s at the County a^s upon himself did assume and to the said Levin then and there faithfully promise that he the said James the said last named quantity of tobacco when he should afterwards be thereto required to the said Levin would faithfully pay and content Nevertheless the said James his severall promises and assumptions a^s in form a^s made not regarding but minding and fraudulently intending the said Levin in that part craftily and subtilly to deceive and defraud the said severall Sums of tobacco above named or any part thereof to the said Levin hath not paid or him for the same in any sort hitherto contented but that to doe altogether hath refused and still doth refuse altho' thereto afterwards to wit the day and year a^s at the County a^s and often since that time by the said Levin required whereupon the said Levin says he is dammified sixty five pounds Curr^t. money of Maryland and thereof he brings Suit &c

Pldg. v. J. Doe & R. Roe - -

And the a^s. James Townsend by his Attorney a^s. comes and defends the force and Injury when &c. and prayeth leave thereof to Imple here untill next Court to be held at dividing Creek in and for the County a^s. the third Tuesday of June then next following and he hath it and the same day is given to the a^s. Levin here also &c.

At which day here came again as well the a^s. Levin hale as the a^s. James Townsend by their Attorneys a^s. and whereupon the a^s. James prays further leave thereof to Imple here untill next Court to be held at dividing Creek in and for the County a^s. the third Tuesday of August then next following and he hath it and the same day is given to the a^s. Levin here also &c.

At which day here came again as well the a^s. Levin hale as the a^s. James Townsend by their Attorneys a^s. and whereupon the a^s. James Townsend as before defends the force and Injury when &c. and saith that he did not assume in manner and form as the plaintiff above against him hath complained and of this he puts himself upon the Country &c. And the said Levin in like manner - Therefore it is commanded the sheriffe of Somerset County that he should cause to come before the Justices

of his Lordships County Court of Somerset to be held at dividing Creek the third Tuesday of November then next following twelve by whom &c. and who nither &c. to recognize &c. because as well &c. And the same day is given to the a^s. parties heret. At which day before his Lordships Justices at a Court then held at dividing Creek in and for the County a^s. came as well the a^s. Levin hale as the a^s. James Townsend by their Attorneys a^s. and the Jurors of that Jury being called some of them to wit David Polk John Woolford John George Tull Ephraim Waggoner William Nelson James Polk Moses Mills and William Gray came and were sworn upon that Jury and because the residue of the Jurors of that same Jury did not appear therefore others of those standing by hereunto elected by the sheriffe of the County a^s. and at the request of the a^s. Levin hale and by the Command of the a^s. Justices are newly put on whose names to the pannell within written are affiled according to the form of the Statute in such Case made and provided which said Jurors so newly put on to wit Benjamin Langford John Webb Womerley M^r. Lemmy and Thomas Pollett being called Likewise came who to say the truth of the premises a^s. together with the Jurors a^s. first Impannelled and sworn being elected tried and sworn upon their Oath say that the a^s. James Townsend did assume upon himself in manner and form as the a^s. Levin hale above