

Porty to answer unto John Henry of a plea of trespass upon the Case - And the same day is given to the af^d John here -

At which day here came the af^d John Henry by Robert Jenchins Henry his Attorney and the Sheriffe to wit John Standly Gent now here returned that he had taken the af^d Benjamin Townsend whose copy here at this day he had ready to answer the af^d John Henry of the af^d plea as to him it was Commanded -

And hereupon the said John declared against the af^d Benjamin in the plea af^d in form following
Somerset s^r Benjamin Townsend late of Somerset County planter was Attached to answer unto John Henry of a plea of trespass upon the Case -

And Whereupon the same John by Robert Jenchins Henry his Attorney complains that whereas the af^d Benjamin the tenth day of March in the year of our Lord one thousand seven hundred and thirty and nine at Somerset County af^d was Indebted to the same John in the quantity of Seven hundred and ninety Eight pounds of tobacco for Officers fees and sundry Articles properly chargeable in an Account (as by an Account thereof here into Court brought may appear) And so thereof Indebted being the af^d Benjamin in consideration thereof afterwards to wit the same day and year af^d at Somerset County af^d upon himself did Assume and to the same John then and there faithfully promise that he the af^d Benjamin the said sum of Seven hundred and ninety Eight pounds of tobacco unto the said John when thereunto afterwards he should be requested would well and faithfully pay and content Nevertheless the af^d Benjamin his promise and Assumption af^d in form af^d made little regarding but minding and fraudulently intending the same John in that part craftily and subtilly to deceive and defraud the said Seven hundred and ninety Eight pounds of tobacco or any penny thereof unto the same John he hath not paid or in any sort contented (Altho the same to do the af^d Benjamin afterwards to wit the same day and year af^d and often since that time at Somerset County af^d by the same John was requested) but the same to him to pay or content the said Benjamin hether to altogether hath refused and still doth refuse to the damage of him the said John Fifteen pounds current money of Maryland and thereupon he brings Suit - Pledg^d J. Doe & R. Roe -

1739 Benjamin Townsend	Do.
To 1 Levie 40	To Tobacco 51
To 3 s ^r default 7	
To Ball ^d due in B 1738 654	
To Interest on the said Ball ^d is 52	
To C ^d fees 100	
To Execution fee at suit Scott	
To 9 Subp ^d ag ^t Day Scott 90	
	<u>936</u>

Set Contra -
By money Rec^d - - - - - 0. 5. 7
By tobacco paid Rob^t Collier - 138

Errors Excepted J^r John Henry Quindam s^red.

And the aforesaid Benjamin Townsend in his proper person came and defends the force and injury when he and hereupon the said Benjamin Townsend at the prayer of the af^d John Henry by his attorney aforesaid is adjudged to give Special Bail to the action af^d but for want thereof the said Benjamin is committed to the prison of the Sheriffe of the County af^d there to remain - And afterwards in the same Court came the said Benjamin in custody of the Sheriffe