in the year of our lord seventeen hundred and ninty three at Cecil County aforesaid were indebted to the said James and Cornelius in the sum of five thousand and sixty six pounds seventeen shillings and four pence current money of Maryland for divers Goods wares and Merchandizes by the said James and Cornelius before that time sold and delivered to the said John Savin and John Makin at their special instance and request and being so indebted they the said John Savin and John Makin in consideration thereof afterwards that is to say on the day and year aforesaid at the County aforesaid undertook and then and there faithfully promised the said James and Cornelius that they the said John Savin John Makin would well and truly pay the said five thousand and sixty six pounds seventeen shillings and four pence current money aforesaid to the said James and Cornelius when they the said John Savin and John Makin should be thereunto requested, And whereas also afterwards to wit on the day and year aforesaid at the County aforesaid in consideration that the said James and Cornelius had before that time sold and delivered to the said John Savin and John Makin at their like special instance and request diverse other Goods wares and Merchandizes they the said John Savin and John Makin undertook and then and there faithfully promised the said James and Cornelius that they the said John Savin and John Makin would when they should be thereunto requested well and truly pay to the said James and Cornelius so much money as the goods wares and Merchandizes last above mentioned were at the time of the sale and delivery thereof reasonably worth And the said James and Cornelius in fact say that the goods Wares and Merchandizes last above mentioned were at the time of the sale and delivery thereof reasonably worth one other sum of seven hundred and sixty six pounds seventeen shillings and four pence current money of Maryland that is to say at the County aforesaid whereof the said John Savin and John Makin afterwards that is to say on the day and year aforesaid there had notice yet the said John Savin and John Makin although often required the aforesaid several sums of money or any part thereof to the said James and Cornelius or to either of them have not nor hath either of them paid but the same to them or either of them to pay they have hitherto altogether refused and do refuse to the Damage of the said James and Cornelius two thousand pounds current money of Maryland and thereupon they bring suit &c

Ted Scott for Plffs Pledges &c } John Doe and Richard Roe

And thereupon the said James Olden and Cornelius Comegys by their Attorney aforesaid prayed that the said John Makin and John Savin might answer to the declaration of them the said James Olden and Cornelius Comegys in the plea aforesaid; Whereupon it was ordered by the Court that the said John Makin and John Savin answer to the declaration of the said James Olden and Cornelius Comegys in the plea aforesaid, and if the said John Makin and John Savin doth not answer to the declaration of the said James Olden and Cornelius Comegys in the plea aforesaid, Judgment would be rendered against them by default; And the said John Makin and John Savin by their Attorney, defended the force and injury, When &c Came prayed leave of the Court to imparle until the second Tuesday of September then next to answer to the declaration of the said James Olden and Cornelius Comegys in the plea aforesaid, and they (said) it; the same day was given

to the said James Olden and Cornelius Comegys then &c, at which said second Tuesday of September in the year of our lord one thousand seven hundred and ninty seven upon which day the said John Makin and John Savin had leave to imparle, and then to answer to the declaration of the said James Olden and Cornelius Comegys in the plea aforesaid came as well the said James Olden and Cornelius Comegys as the said John Makin and John Savin by their Attorneys aforesaid; and the said John Makin and John Savin by their Attorney aforesaid further defended the force and injury, when &c, and said, that they did not promise and assume upon themselves in manner and form as the said James Olden and Cornelius Comegys have above complained against them and of this they put themselves upon the Country &c. And the said James Olden and Cornelius Comegys in like manner &c; Therefore, to try the issue aforesaid joined between the parties aforesaid let a Jury thereon appear before our said Court on the second Tuesday of April then next, by whom &c and who neither &c, to recognize &c, be chosen &c will &c, the same day is given to the parties aforesaid then and there &c. At which said second Tuesday of April in the year of our Lord one thousand seven hundred and ninty Eight came again into Court the parties aforesaid by their Attorneys aforesaid; Whereupon further process of and upon the premises aforesaid, between the parties aforesaid and by order of the Court there on was further continued until the second Tuesday of September then next. At which said second of September in the year of our lord one thousand seven hundred and ninty Eight came again into Court the parties aforesaid by their Attorneys aforesaid; Whereupon further process of and upon the premises aforesaid, between the parties aforesaid and by order of the Court there on was further continued until the second Tuesday of April then next. And now at this day to wit the said second Tuesday of April one thousand seven hundred and ninty nine comes again into the General Court here as well the aforesaid James Olden and Cornelius Comegys by their Attorneys aforesaid as the said John Makin and John Savin by their Attorney aforesaid. Whereupon for trying the issue aforesaid it is ordered by the Court here that twenty persons from the pannel of petit Jurors returned to the Court here by the several sheriffs of the different Counties of the Eastern shore be drawn by ballot, according to the act of assembly in such case made and provided; and thereupon the twenty persons being so drawn by ballot and written upon two lists one of which said lists is delivered to the counsel for the respective parties and the counsel for each of the said parties having stricken out four persons from the said lists, thereupon the remaining twelve persons being called came, to wit, Henry Downes Freeman Joshua Springer, Joseph Scott, Richard Mansfield, Samuel Conaway, William Robinson, Perigre Dunn, John Cox, Thomas Nicols, Perry Benson, Whittington King and John C. Hynson. Who being empannelled and sworn to say the truth in the premises upon their oath do say, that the said John Makin and John Savin did assume upon themselves in manner and form as the aforesaid James Olden and Cornelius Comegys within against them have complained, and they assess the damages of the said James Olden and Cornelius Comegys sustained by occasion of the non performance of the promise assumption