as the said James Hall by his Attorney aft and the said James Hall by his said Attorney as before defends the force and Injury when &c and saith that he did not undertake in manner and form as the said Hogsheads above Complains and of this he puts himself upon the Country &c

And the said James hereupon with the leave of the Court According to the form of the Statute in such Case made and provided further by his said Attorney defends the force and Injury when &c and saith that the said Hogsheads his action aft against him to have or maintain ought not because he saith that the Cause of action in the said Declaration did not first accrue within three years next before the Suing the writ aft & this he is ready to verify wherefore he prays Judgment if the said Hogsheads ought to have his action aft against him &c And the said James further with the leave aft by his said Attorney defends the force & Injury when &c and saith that the said Hogsheads his action aforesaid against him to have or maintain ought not because he saith that after the Promise and Assumption above supposed to be made to wit on the thirteenth day of April in the year of our Lord seventeen hundred and forty eight at London to wit at the said County of Annarundel he the said James did deliver to the aft John Buchanan in the Declaration aft mentioned the aforesaid four Hogsheads of Tobacco part of the aft Six Hdds of Tobacco as well as two Hogsheads of Tobacco aft the residue of the said Six Hogsheads of Tobacco aforesaid according to the form and Effect of the promise and assumption aft of the said James & this he is ready to verify wherefore he prays Judgment if the said Hogsheads his Action aft against him the said James to have or maintain ought &c — to the first plea of him the said James above pleaded and the aforesaid Hogsheads in like manner & so forth —

And the aforesaid Hogsheads as to the second plea aforesaid by him the said James above pleaded saith that he by any thing in the same plea alledged from having and maintaining his action aforesaid against him the said James to be precluded ought not because he saith that he the said Hogsheads his original writ aforesaid against him the said James did Impetrate and sue forth on the days in the year of our Lord seventeen hundred and fifty and that the Cause of Action in the said Declaration did first accrue within three years next before the day of the Impetration of the writ aforesaid to wit at Annarundel County aforesaid and this he prays may be enquired of by the Country and so forth and the aft James in like manner and so forth —

And the aforesaid Hogsheads as to the third plea aforesaid by him the (said)

said James above pleaded saith that he by any thing in the same plea alledged from having and maintaining his Action aforesaid against him the said James to be precluded ought not because he saith that the same James did not deliver to the aforesaid John Buchanan in the Declaration aft mentioned the aft four Hdds of Tobacco part of the aft Six Hdds of Tobacco as the aft James hath above by his plea aft alledged and this he prays may be enquired of by the Country and so forth and the aft James in like manner & so forth

Whereupon for trying the Issues aft Command is given to the Sheriff of Annarundel County that he cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices of his Lordship the Lord Proprietary to take the assizes in his County if they shall before that time sit on Monday the thirteenth day of September next to the County Court house in the said County Twelve Good and Lawful men of his Bailiwick by whom &c who neither are to recognize &c because as well &c —

Afterwards the process continued between the parties aft in the plea aft by the Jury being put thereon in respite hereunto until the third Tuesday of October next unless the Justices of his Lordship the Lord Proprietary to the assizes in the said County on Monday the thirteenth day of September next to the County Court House in the said County shall come

And now here at this day to wit the third Tuesday of October being the 19th day of the same month Anno Domini 1756 Come again into his Lordships Provincial Court as well the said Hogsheads by his Attorney aforesaid as the said James Hall by his Attorney aforesaid But the Jury hath not sent his writ

Whereupon this Cause standing for Trial this Court at the request of both the parties Plaintiff and Defendant and by their Consent it is Ordered by the same Court that the same Cause be postponed to