And the said James Francis and John do aver that the said sum of four hundred and sixty two dollars and seventy six Cents at the time of making and delivery of the said Promissory note was and ever since hath been and now is of the value of one hundred and seventy three pounds ten shillings and nine pence Current money of Maryland, to wit, at the County aforesaid, By reason whereof and by force of the statute in such Case made and provided the said George and Abraham became liable to pay to the said James Francis and John the said sum of money Contained in the said note according to the tenor and effect thereof And the said George and Abraham being so liable they the said George and Abraham in consideration thereof afterwards, to wit, on the same day and year aforesaid at the County aforesaid undertook and faithfully promised the said James, Francis and John to pay them the said sum of money contained in the said note, according to the tenor and effect of the said note. And whereas the said George and Abraham afterwards, to wit, on the day and year aforesaid at the County aforesaid was indebted to the said James Francis and John in other sum of one hundred and seventy three pounds ten shillings and nine pence of like Current money for money by the said James Francis and John before that time lent and advanced to the said George and Abraham and at their special instance and request: and being so indebted they the said George and Abraham in Consideration thereof afterwards to wit, on the same day and year aforesaid at the County aforesaid, undertook and faithfully promised the said James Francis and John to pay them the said last mentioned sum of money when they the said George and Abraham should be thereto afterwards requested.

Nevertheless the said George and Abraham not regarding their said Promises and undertakings but Contriving and fraudulently intending, Craftily and subtilly to deceive and defraud the said James Francis and John have not nor hath either of them as yet paid the aforesaid several sums of money or any part thereof to the said James Francis and John (altho so to do the said George and Abraham were requested on the day and year aforesaid and often afterwards to wit, at the County aforesaid) but to do this the said George and Abraham have hitherto altogether refused and the said George and Abraham still refuse so to do to the damage of the said James Francis and John three hundred pounds like Current money, and thereof they bring their suit &c.

Jno. Purviance for Pltffs. Pledges to Prosecute. John Doe, & Richd. Roe.

At

At which mentioned second Tuesday of October being, the ninth day of the same month in the year of our Lord one thousand seven hundred and ninety eight and the day of the return of the aforegoing writ come into the General Court here the said James West Francis West and John West by John Purviance their attorney, aforesaid ~~to said~~, and the sheriff of Baltimore County aforesaid to wit, Cornelius H. Gist Gentleman to whom the said aforegoing writ was in form aforesaid directed likewise comes and makes return thereof to the Court here thus endorsed, to wit.

Lepi Kauffman, Copy served 8th Octr. B. piece and power to Wm. N. E. Swingle — Cornelius H. Gist Shff.

And the said Abraham Kauffman by James P. Boyd and William McMechen his attornies appears in Court here, And thereupon on motion of the aforesaid James West, Francis West and John West by their attornies aforesaid, It is ruled by the Court here, that the said Abraham Kauffman give special bail to the action aforesaid in the plea aforesaid; Whereupon the said Abraham Kauffman by his Attornies aforesaid files in Court here the following Bail Piece to wit.

James West, Francis West and John West.
against
George Swingle and Abraham Kauffman.

You John Machenheimer and Adam Gantz do jointly and severally acknowledge yourselves Special Bail for Abraham Kauffman at the suit of James West Francis West and John West in an action in a plea of trespass upon the Case and so forth, brought by the said James West Francis West and John West against the said George Swingle and Abraham Kauffman in the General Court for the Western shore, to be held in the City of Annapolis the second Tuesday, in October Inst. They acknowledge themselves content therewith this ninth day of October seventeen hundred and ninety eighth. Acknowledged before Rob. Gorsuch

Geo: Gouldth. Presbury,

I Abraham Kauffman, empower, authorise and appoint William McMechen Esquire, to appear for me in the above action, Given under my hand and seal, this 9th day of October seventeen hundred and ninety eight

Witness Rob. Gorsuch — Abraham Kauffman (seal)

To the Honourable the Judges of the General Court.

And the said Abraham Kauffman by his attornies aforesaid comes and defends the force and injury, when and so forth and prays leave of the Court here to Imparle until the second Tuesday of May next and to him it is granted the same day is given to the aforesaid James West, Francis West