the sum of money aft when he should be thereto afterwards required, And whereas the said Joshua was in his lifetime seized in his demesne as of fee of and in the several Lands & Tenements following viz: One Tenement with fifteen acres of land appurtenant thereto called Salem, part of a tract of land called Batchelors lots & part of another tract called Struggle, lying and being in the County aft, which said parcels of land with the appurtenances the said Joshua being so seized on the thirteenth day of March in the year of our Lord Seventeen hundred and eighty five at the County aft made his Will in writing which was duly proved and admitted to record in the Register's office for the County aft, and by his said last Will gave and bequeathed the said Land & Tenements to his son Littleton Townsend and his Heirs, and afterwards died on the day of November in the year of our Lord seventeen hundred and ninety four at the County aft the said Joshua died seized of such his Estate of and in the said Lands and Tenements so as aft devised after whose death and before the commencement of this suit, to wit, on the first day of January in the year of our Lord seventeen hundred and ninety six at the County aft the said Littleton entered into and became seized of and in the Lands & Tenements aft by reason whereof the said Littleton became liable to pay the said Stephen the sum of money aft, yet the said Joshua in his lifetime and the said since the death of the said Joshua, not regarding the promise and undertaking aft in form aft made but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said Stephen in this behalf the sum of money aft to the said Stephen hath not paid or rendered (altho' to pay the said Joshua in his lifetime and the said since the death of the said Joshua to wit, on the day and year last above mentioned at the County aft by the said Stephen were requested) but the same to him to pay they have hitherto altogether refused and to pay the same to the said Stephen the same do still refuse, whereupon the said Stephen saith he hath damage to the value of fifty pounds & therefore he brings suit &c. John Doe & Richard Roe pleages &c.

Thereupon the said Littleton Townsend & Thomas Robertson & Charlotte his wife & William B. Townsend & Sarah Townsend by their Attorney aft presented to the Court here the State Writ commanding the Justices and Sheriff of the County aft in these words following to wit: The State of Maryland to the chief Justice and his associates, Justices of Worcester County Court and the Sheriff of Worcester County Greeting. Whereas there a certain Littleton Townsend & Thomas Robertson & Charlotte his wife heir & Devisees of Joshua Townsend & William Barclay Townsend & Sarah Townsend heirs of Joshua Townsend are detained in the prison of our said County under the custody of you our said Sheriff, at the suit of a certain Stephen White of a plea of Trespass upon the case &c. forth which said plea as it is said still depends before you our said Justices undetermined, and we being willing for divers causes that the plea aft

undetermined as aft should be heard and determined before the Judges of our General Court, We therefore Command you that you have the bodies of the said Littleton Townsend and Thomas Robertson & Charlotte his wife heirs & Devisees of Joshua Townsend & William Barclay Townsend & Sarah Townsend heirs of Joshua Townsend by whatsoever name or names they may be called in the plea aft, together with the cause of their Caption & Detention and all things thereunto relating, before the Judges of our General Court, to be held for the Eastern Shore of this State at Easton in Talbot County, the second Tuesday in September next that the said Judges of our said General Court may further proceed therein, as to Justice appertains and so forth. Hereof fail not at your peril and have you then and there this Writ witness the honorable Robert Goldsborough Esq. Chief Judge of our said Court the 11th day of April 1797. Issued the 8th day of May 1797. Wm. James Clerk pro tem.

Whereupon it is considered by the Court here that the writ aft be allowed and that the Record of the plea aft between the said parties be transmitted to the Justices therein named together with the bodies of the aft Littleton Townsend & Thomas Robertson & Charlotte his wife heirs and Devisees of Joshua Townsend & William Barclay Townsend & Sarah Townsend heirs of Joshua Townsend according to the Command of the said writ to this Record annexed.

John C. Handy Clk.

State of Maryland, Worcester County, to wit: I hereby certify to all whom it doth or may concern that the foregoing Transcript is a true Copy taken from the Records and proceedings of Worcester County Court.

Seal of Worc. Co. Court

Testimony whereof I have hereto set my hand and affixed the Seal of my Office this 8. day of August Anno domini 1797. John C. Handy Clk. Worc. Court.

And the said Stephen White by James B. Robins his Attorney came here into Court, and thereupon on motion of the said Stephen White by his Attorney aft it is ordered by the Court here that the said Defendants (answer to the Declaration in the plea aft) or Judgment will be rendered against them by default. And the said Defendants by their Attorney aft, defend the force and injury when &c. and pray leave to imparle until the second Thursday of April next and they have it the same day is given to the said Stephen White then &c. At which said second Thursday of April, seventeen hundred and ninety eight, came again into Court the parties by their Attorneys aft. And the said Littleton Townsend & Thomas Robertson & Charlotte his wife heirs and Devisees of Joshua Townsend & William B. Townsend & Sarah Townsend heirs of the said Joshua by William Whittington their Attorney come and defend the wrong and injury when &c. and say that they ought not to be charged with the sum of money aft as heirs and devisees of the said Joshua Townsend by virtue of the promise and assumption of the said Joshua; because they say that they have not, nor on the day of exhibiting the Bill of the said Stephen or at any other time since had any lands or Tenements by devise or hereditary descent, as heirs to the said Joshua Townsend deceased, in fee simple except the following tract of Land viz. a tract called Shad point, containing about two acres, part of Batchelors