June Term 1796.

at your peril, and have you then and there this writ, Witness the Honorable Samuel Chase Esquire, Chief Judge of our said Court, the 15th day of June Anno Domini 1793.

Issued the 7th day of September 1793. (S. Winchester) John Gwinn Clk.

And the aforesaid Richard Owings by his attorney aforesaid declared against the aforesaid Peter Wyant, in the plea aforesaid, in manner and form following, to wit.

Western Shore of the State of Maryland, Baltimore County, to wit, Peter Wyant late of Baltimore County Innkeeper, was attached to answer unto Richard Owings of a plea of Trespass on the case and so forth. And whereupon the said Richard Owings by James Winchester his Attorney complains, that whereas, according to the Law and Custom of Maryland Innkepers who keep common Inns to entertain persons travelling by the places where such common Inns are kept by Day and Night are to keep and preserve such Guests, and their Goods and Chattels, and also the Goods and Chattels of any other the Citizens of this State, being in the lawful house of such Innkepers without subtraction or loss, so that by the default of the said Innkepers, or their Servants, any damage or loss should in no wise happen to the said Guests, or any other Citizen of this State, having Goods or Chattels in the lawful custody of such Innkepers in such Inns. And whereas the said Peter Wyant, on the ninth day of August, in the year seventeen hundred and ninety three, was an Innkeeper, and held a common Inn at Baltimore County aforesaid, to entertain persons travelling there, and sojourning in the said Inn, and one David Winchester then the Servant of the said Richard Owings, and travelling in Baltimore County aforesaid, sojourning in the said Inn of the said Peter Wyant the same day and year aforesaid, and then and there delivered into the lawfull custody of the said Peter Wyant, divers Goods and Chattels, to wit, twelve hundred dollars of the value of Four hundred and fifty pounds Current Money of Maryland, belonging to the said Richard Owings, and which Goods and Chattels the said Peter Wyant then and there had in his lawful custody in the said Inn. Yet certain Malefactors, unto the said Richard, or to the said David Winchester the Servant of the said Richard, unknown, the same day and year aforesaid, by default and negligence of the said Peter and his Servants, took and carried away the said Goods and Chattels of the said Richard, then and there being in the said Inn, and in the lawful custody of the said Peter, to wit, at the County aforesaid, and other wrongs to the said Richard did against the Law and Custom aforesaid, to the damage of the said Richard One thousand pounds Current Money of Maryland, and thereof he brings Suit &c.

James Winchester Attorney for the Plff. Pledges John Doe and Richard Roe.

A Copy of which aforegoing Declaration was made and sent with the Writ which issued in the plea aforesaid.

At which mentioned second Tuesday of October being the eighth day of the same Month Anno Domini seventeen hundred and ninety three and the day of the return of the aforegoing writ comes here into our General Court the aforesaid Richard Owings by James Winchester his Attorney aforesaid. And the Sheriff of Baltimore County to whom the said aforegoing writ was made and directed likewise comes and makes return thereof to the Court here, thus endorsed, to wit,

Copi. Copy served 12th Sept. 1793. Robert Gorsuch Shff.

And the said Sheriff although being called upon to bring into Court here, the body of the said Peter Wyant according to his return of the Writ aforesaid, brings him not in, but makes default. Whereupon it is adjudged by the Court here, that the said Sheriff be amerced the Damages aforesaid, and also all such costs and charges as have or may accrue in the Action aforesaid, in case hath not the body of the said Peter Wyant in Court here, on the second day of the next Court.

June Term 1796.

At which said next Court, to wit, the second Tuesday of May being the thirteenth day of the same Month Anno Domini seventeen hundred and ninety four comes again here into our General Court the aforesaid Richard Owings by his Attorney aforesaid. And the said Sheriff being further called upon, to bring into Court here, the Body of the said Peter Wyant whom this day he ought to have here in compliance with the rule of the Court aforesaid, and to save the Amercement aforesaid, brings him not, Whereupon it is adjudged by the Court here, that the Amercement aforesaid be stricken out. And the said Peter Wyant being called upon appears, and at the prayer of the aforesaid Richard Owings by his attorney aforesaid, the said Peter Wyant is adjudged to give special bail to the action aforesaid Whereupon the said Peter Wyant by Luther Martin his attorney files in Court here, the following Bail piece to wit.

Richard Owings against Peter Wyant } You Philip Grabell and Jacab Hart jointly and severally acknowledge yourselves special Bail, for Peter Wyant at the suit of Richard Owings in an action of a plea of Trespass on the case &c. brought by the said Richard Owings against the said Peter Wyant in the General Court for the Western Shore held in the City of Annapolis, the second Tuesday in October last, they acknowledge themselves content therewith, this tenth day of May seventeen hundred and ninety four.

Acknowledged before Tho.s Elliot Geo. Salmon.

I Peter Wyant empower, authorize and appoint Luther Martin Esquire, to appear for me in the above action. Given under my hand and Seal this tenth day of May seventeen hundred and ninety four.

Witness Thos Elliot, Peter Wyant (Seal)

To the Honorable the Judges of the General Court.

And the aforesaid Peter Wyant by Luther his attorney aforesaid comes and defends the wrong and injury when and so forth, and prays leave of the Court to Imparle hereunto until next Court, and he hath it, the same day is given to the aforesaid Richard Owings also.

At which said next Court, to wit, the second Tuesday of October being the fourteenth day of the same Month Anno Domini seventeen hundred and ninety four comes again here into our General Court as well the aforesaid Richard Owings by his attorney aforesaid, as the aforesaid Peter Wyant by his Attorney aforesaid, And the aforesaid Peter Wyant by his attorney aforesaid as before defends the wrong and injury when and so forth, and prays further leave of the Court to Imparle hereunto, until next Court, and he hath it, the same day is given to the aforesaid Richard Owings also.

At which said next Court, to wit, the second Tuesday of May being the twelfth day of the same Month Anno Domini seventeen hundred and ninety five comes again here into our General Court as well the aforesaid Richard Owings by his Attorney aforesaid, as the aforesaid Peter Wyant by his attorney aforesaid, And the aforesaid Peter Wyant by his attorney aforesaid as before defends the wrong and injury when and so forth, and saith that he is not Guilty of the premises aforesaid in manner and form as the said Richard hath above thereof complained against him. And of this he puts himself upon the Country, and the said Richard in like manner and so forth. Therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of October next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid then and there &c.

And now here, at this day, to wit, the said second Tuesday of October being the thirteenth day of the same Month Anno Domini seventeen hundred and ninety five comes again here into our General Court as well the aforesaid Richard Owings by his Attorney