Same Month Anno Dni 1708 being the Day of the Return of the Writ
writt Comes the said Isaac Millner and Compt of Richard Dallamore Esqr
as also the Sheriff of Calvert County mentioned to writ Jno Parker Esqr
and Richd Adams of the said county Endorsd Capi in Ballis — Thereupon
the said Jno Parker at his proper cost & charge is ordered to Detain the said
James Ayling in Cstody until &c Thereupon the said Isaac
Millner and Compt by their attorney ag Declare against the said James
Ayling in Custody at ag as follows &c

Maryland Calvert County James Ayling late of Calvert County planter was attached
to answer unto Isaac Millner and Compt of a plea of Trespass
upon the Case &c

And whereupon the same Isaac and Compt by Richard Dallamore their attorney
Complained that whereas the ag James Ayling the 8th Day of December 1705
att Battle Creeke in Calvert County ag according to the Usame Estimation Money
of ag Land Made and Bound three Bills of Exchange that is to Say 1st 2d 3d
and Each all of one Tenor and Date with the proper hand and Marke of
the said James Ayling Endorsed and to be Payne Samll Groom Mercht in London
Denoted and of the same Bills of Exchange against the said Samuel Groom at
Twenty Days Sight of Each of those the said Bills of Exchange the aforesaid sum
to pay unto a Certaine William Morgan or order the summe of Eighteen pounds Sterling
Money of England for value Recd which said Bills of Exchange afterwards (towit)
the same Day year and place ag before Sight thereof by the said Samll Groom
the ag William Morgan by indorsement with his proper hand and Marke
mentioned according to the Custome of Merchants ordered through Eighteen pounds Sterling
to be paid to the ag Isaac and Compt or their order for value of themselves
which the ag Samll Groom afterwards (towit) on the Eighth Day of
February Anno 1706 at London ag said Bills and Each and every were required
to pay through Eighteen pounds Sterling to the said Isaac Millner and Compt which
he the said Samll totally refused and the said Isaac and Compt in fact say that the
said Samll Groome after Sight of the said Bills and Each of them did not
pay the said Eighteen pounds Sterling or their order the said sum of Eighteen
pounds Sterling and that for want of payment thereof the said Isaac and Compt
the said 10th Day of February Anno 1706 ag at London ag according to the
Custome of Merchants Protest on Bills Inwards Protest Notary Public
Dwelling in London ag to protest the Sum of the ag three Bills of Exchange the
first and sum of the same Tenor and Date not paid whereof the said James
Ayling the 1st Day of March 1707 at Calvert County ag said Bills of
Exchange according to the Custome of Merchants ag the said James Ayling
became Debtor to the said Payment of the said Eighteen pounds Sterling together
with all ye Damages and interest of the said Isaac and Compt sustained or to be
sustained by reason of the non Payment of the said Bills to the said
Isaac and Compt and the said James Ayling in Consideration thereof the said
first Day of March 1707 at Calvert County ag upon himself did assume
and to the said Isaac and Compt then and there faithfully promise that he
the said James the said sum of Eighteen pounds Sterling together with all ye
Interest and Damages of the said Isaac and Compt already sustained or
hereafter to be sustained to the said Isaac and Compt his wife well and truly
Content and pay when assured thereunto required nevertheless the said
James his promise and assumption ag not regarding but intending and
fraudulently

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fraudulently intending the said Isaac and Compt in this behalfe fraudulently and
subtilly to deceive and defraud the said sum of Eighteen pounds Sterling
Damages Cost and Charges of the said ag or any part thereof to the said Isaac
and Compt Called the said Writ Returnable against the said first Day of March
ag at Calvert County ag and Diverse other Days and times since which said
the same to the said Day Date Denied and neglected and still Date Denies and
refuse to the Damage of the said Isaac and Compt Wherefore they bring their Suit &c

Jno Parker Pltfs Atty

Thereupon the said Isaac Millner and Compt by their attorney ag say
that a Copy of the above Deed may be Made and exhibited by the Clerke
and Bill to the Court of Calvert County ag to be Served upon the said
James Ayling in Custody at ag in order for his all next Court which
granted and thereupon Day is given to the said James Ayling in
Custody at ag to answer unto the said Plaintiffs above Deed till next
Court and the same Day is given to the Plaintiffs above

At which said next Court to wit the Seventh Day of November
Anno Dni 1708 Come against the said Isaac Millner and Compt
by their attorney ag but the said Sheriff makes no Return of Service
of the above Deed on the said James Ayling in Custody at ag
Therefore it is against ordered upon the prayer of the Plaintiffs Attorney
that one other Copy be Made of the ag Plaintiffs Deed exhibited
at ag and be against Bill to the said ag to be served upon
the said James Ayling in Custody at ag in order for his all next
Court and thereupon further Day is given to the said
James Ayling in Custody at ag to answer unto the said Plaintiffs
above Deed till next Court and the same Day is given to
the Plaintiffs above

At which said next Court to wit the 4th Day of November Anno
Dni 1709 to which the said now Court was adjourned to Diverse of Writs
writt of Adjournment to the said from the fourth Monday of November Comes
the said Isaac Millner and Compt by their attorney ag and the Sheriff of Calvert
County ag return to the Court here that he hath served the said James Ayling in
Custody ag with a copy of the Writ to the a Copy of the Plaintiffs Deed
above mentioned in the Writ ag, Thereupon the said Isaac Millner and Compt
by their attorney ag say that the said James Ayling in Custody at ag to the Deed
in the Plaintiffs Mayanswer till the said James Ayling being thereto solemnly called
Court not but Made default whereby the said Plaintiffs Demand and the
said Defend. wholly unanswered

Therefore it is Considered by the Justices here the Day and year first
Mentioned that the said Isaac Millner and Compt Recover against the said
James Ayling in Custody at ag all the Sum of Twenty One pounds
Twelve Shillings Sterling Their Damages by Occasion of the premises ag at other
Sum of Debtors by the Court here
ye Sum of
Damages unto them in their Suit and Charges in this behalfe laid out and
expended and the Defend. in Mercy