unto Benjamin Way and Comp.a of London Merch.ts of a plea of Trespass upon the Case and that he have then there the said writt &c.a
All which said next Court Viz.t the Twenty fourth day of August in the
yeare aforesaid the day of Return of said Writt came God Nath.ll Lynson high
Sheriff of said County and made Return thereof in these words thereon indorsed Viz.t
Cepi Corpus &c.a Mr. Mc Nath.ll Lynson Sheriff
And a Dedimus being filed when said Writt Issued forth &c.a Copy thereof served there-
with according to act of Assembly in that case made was as follows Viz.t
Kent County in Maryland ss Edward Bathurst of Kent County aforesaid Merchant was attached
to answer unto Benj.a Way &c.a of Lond.a Merch.ts of a plea of Trespass upon the Case
And Whereupon the said Benj.a and Company by Christopher Shrill their
Attorney Complaines for that whereas a certain John Jordan upon the third day
of April 1706 at Kent County aforesaid within the Jurisdiction of this Court being
Indebted to the said Edward for Value Rec.d there by him did deliver unto the
said Edward three Severall Bills of Exch.a Each of them subscribed with the
proper hand & Name of him the said John and dated the same day & Yeare
above said & Directed unto a certain Mr.a Robert Dunkly merch.t in London
the Contents whereof are as follow Viz.t By the first of this my first
Bills of Exchad he did Require the said Robert Thirty dayes after sight &c.a
his Second or third not paid to pay or Cause to be paid unto the said Edw.d
Bathurst or order the Just Sume of Eight pounds one Shilling & Sixpence
Sterl.g money being for a Value &c.a to make good payment and place the
same to his Account by the Name or Subscription of Your humble Serv.t
Jn.o Jordan and by the said John's Second Bill of Exchad aforementioned he did
Require the said Robert in like manner his first or third not paid to pay &c.a
And by the said John's third Bill of Exchad he did require the said Robert
in like manner his first or Second not paid to pay &c.a And this aff.d Benj.a & Co.
in fact say that for a Valuable Consideration at that time by him the said
of them the said Benj.a & Co.a Viz.t upon this aff.d 3.d day of April 1706 at Kent
County aff.d within the Jurisdiccon of this Court had & Rec.d of the said Edw.d
did Indorse and deliver the afores three Bills of Exch.a according to the Custome
of Merchants unto the said Benj.a & Co.a for his Their use & Benefitt & for
better Securing of the said Sume of Eight pounds one Shill.g & Sixpence Sterl.g
money aff.d unto them the said Benj.a & Co.a He the said Edw.d did upon himself
& unto them the said Benj.a & Co.a then & there faithfully promise
that if the said Robert should refuse to accept any one of the three Bills aff.d
and not make Good payment thereof according to the Tenor and Effect of
the Same Bill that then the said Edward when afterwards Required unto the
said Benj.a & Comp.a would well & truely pay as well the aff.d Sume of Eight
pounds one Shilling & Sixpence Sterl.g money as also all Costs & Damages
that should accrue & att any time thereafter by reason of the non acceptance
and non payment thereof and the said Benj.a and Company doe further say

say that upon the Nineteenth Day of January 1706 at the Request of Mr.a
Benj.a Way & Co.a a certain Wm.m Story Notary publick admitted and sworne dwelling
in London did Exhibit the Originall or first Bille of Exchad to the said Mr.a Rob.t Dunckly
demanding payment of the Contents he answered that he would not pay the said Bill for want
of Effects Whereupon the said Notary at the request aforesaid did & doth solemnly
protest as well against the Drawer of the said Bill, as all others whom it doth or may concern
&c.a as by the said first originall Bill of Exchad the same Exped & protest thereunto annexed
thereon Court ready to be produced may more at Large & certainly appear
Which said first Bill of Exchad being due & not yet paid together with the Twenty pounds
of Lent reasonably due & allowably by a certaine act of Assembly of this province now
in force in such Case made and provided Amounts to the Sume of One
thousand Eight hundred and Nine pounds Eighteen Shillings and Nine pence halfe penny Sterl.g money aforesaid for
which sume & for Costs of Suite by the said first Bill of Exchad the said Benjamin & Company
hath Declared unto the said Benjamin & to Nine and Nine of him the said
Edward the rest Sume of Nine pounds Eighteen Shillings and Nine pence halfe
penny Sterl.g money aforesaid Over and above all Just Allowances and Abatements
to be made in the Premisses Make no Question but Embrace and Readily
Intending the said Benjamin and Company Duly & Punctually to
Discern and Defend the aforesaid Nine pounds Eighteen Shillings and Nine pence
halfe penny Sterl.g Money aforesaid unto the said Benjamin and Company
of them the Costs not Speak nor for the Same in any wise Withdraw or Goe out
Court upon the Eight Day of April Anno Dom.i 1708 at Kent County
aforesaid neither the said Benjamin nor Company Coming to the Bar
Court often Required But the Same to Wholly to pay According to the Tenor
Intent and Meaning of the said Bille of Exchange Both Interest Damages and
all Costs Charges and Suite by Reason whereof they have Sustained and
Damage Over to the value of Nineteen pounds Seven Shillings and Nine pence
Sterl.g and of the Body of the said Edward

[illegible]

Upon which said Declaration the said Edward by Richard Lumbert his Attorney came and Defended the Force
and Injury when &c and for Plea saith that the Court of the said Province aforesaid and the
Justices in the same Province is Insufficient in Law to Compell him the said Edward
to Make answer thereunto and that he ought not in the Law of this Land
is bound to Make answer thereunto the said Court and therefore he prays Judgment and
Insufficient Court of the said Plaintiffe and Insufficient Matter Sume and Substance in
Manner to be Relieved in the said Declaration Demurre in Law and for Cause of
Demurrer Saith [illegible] That the said Declaration in that the said Court by the Custome
whereof power and Authority of the said Province Bille of Exchad to the said
regard the said Robert Dunkly Days after Sight &c.a to Pay or Cause to be paid unto the said Edward Bathurst or order the Just Sume of
Eight pounds one Shilling and Six pence Sterl.g money being for a Value &c.a to make
good payment and place the same to the Account of the Drawer of the said Bille
of the said John Jordan all which is Duely Sett and Manifestly Appears
of the said Bille Being Exhibited to the said Defend.t Cannot answer
The said Plaintiffe Ought not to Recover of the said Bond and said Bille of
Exchange at Large, Costs and Charges aforesaid Wherefore

(Pray)