request of him the said Gerardus would accept of the said bills for the Value aforesaid
assume upon himself and to the said Wm Fishburn Merchant and Thomas Graham
then and there faithfully promised that he the said Gerardus in case the first bill
the second and third not paid should be duly accepted and paid according to the tenor
thereof when he should be afterwards thereunto requisite would well and truly content
and pay unto the said Wm Fishburn and Thomas Graham or their order as well the said sixty
five pounds in the said bill of Exchange mentioned as all such Lawfull Costs damages
and Interests as by the said Wm Fishburn and Thomas Graham or their order
should be suffered or sustained by occasion of the non acceptance of the said
bill and non payment of the contents thereof and the said Wm Fishburn Merch.
Wm Fishburn &c as aforesaid in fact say that afterwards to wit the fourth day of
February Anno Dom one thousand seven hundred and sixty at London aforesaid (to wit)
at Annapolis in Anne County aforesaid the said first bill of Exchange to the said Robert
Dunckley was shewn (the second or third of the same bills not being paid and the
said Robert Dunckley was shewn before that time having had sixty days sight
of the same first bill) and the said Robert Dunckley was then and there according
to the tenor and custome and requested to accept the said bill and pay the contents thereof
but the said Robert Dunckley then and there and always afterwards hitherto has
altogether refused to accept and hath not accepted the said first bill of Exchange
not paid the contents thereof to the said Wm Fishburn Merch. & Thomas Graham
or their order or to either of them or to either of their order according to the usq &
Custome of Merch.ts aforesaid from the whole time aforesaid as aforesaid and approved
but afterwards to wit the said fourth day of July in the year aforesaid at London
aforesaid to wit at Annapolis in Anne County aforesaid the said first bill of Exchange
according to the aforesaid usq and Custome of Merchants aforesaid was protested by reason
of the said non acceptance and non payment — And the said William Fishburn Merch.t
William Fishburn &c as aforesaid further in fact say that the Lawfull Costs damages
and Interests of them the said Wm Fishburn Merch.t and Thomas Graham
which they sustained by the said occasion of the non acceptance and non payment
of the contents of the said first bill of Exchange as aforesaid amount to the sum of
Seventeen pounds Lawfull money of England where of the said Wm Fishburn
Merch.t and the said Thomas Graham in the Lifetime of him the said Thos
on the twenty sixth day of June Anno Dom Seventeen hundred and seaven
at Annapolis aforesaid to him the said Gerardus in his Lifetime gave notice
Nevertheless the said Gerardus ~~in his Lifetime~~ in his Lifetime and the said
James Wessells to whom the administration of all and singular the goods and Chattells
which were of the said Gerardus at the time of his death in due form of Law
was committed since the decease of the said Gerardus the said sixty five
pounds Stg with the Costs damages and interests aforesaid to the sum Seventeen
pounds Stg in the whole amounting to the sum of one hundred and two
pounds Stg or any part thereof to the said Wm Fishburn Merchant and
Thomas Graham or their ord.r in the Lifetime of him the said Thomas or to
the said Wm Fishburn Merch.t and Thomas Graham or their ord.r in the Lifetime of
him

him the said Thomas or to the said Wm Fishburn Merch.t and Wm Fishburn &c aforesaid
or to the said or to the order of them the said Wm Fishburn Merch.t and Thomas
Graham since the decease of the said Thomas Graham or any of them or to
order of any of them hath not as yet paid altho to do the same the said Gerardus
Wessells in his Lifetime to wit at Annapolis aforesaid in the County aforesaid on the Twenty sixth
day of June Anno Dom one thousand seven hundred and seaven aforesaid by them the
said Wm Fishburn and Thomas Graham in the Lifetime of him the said Thomas
Graham was requested but the same Gerardus in his Lifetime and the said James
since his decease hath and one hundred and two pounds Stg &c the same Wm
Fishburn and Thomas Graham in the Lifetime of them the said Thomas &c to
the said Wm Fishburn Merch.t & Wm Fishburn &c as aforesaid since the death of the
said Thomas and to every of them to pay or them or any of them for the same in any
wise to content and satisfie altogether refused and the said James to pay
same to the said Wm Fishburn Merch.t and William Fishburn &c as aforesaid or to either
of them doth still refuse in contd. of the fulfilling & execution of the Testament of him
the said Thomas whereupon the said Wm Fishburn Merch.t & Wm Fishburn &c as aforesaid
say they are damnified and have Loss to the value of two hundred pounds Stg &c
whereof they bring their Suit and the said Wm Fishburn &c as aforesaid brought their Suit
Court the Defdt. to wit of the said Thomas Graham by w.ch it appears suffic.t to the Court
here that the said Wm Fishburn &c as aforesaid by execution of the testament of the said
Thomas Graham and the same to have and to hold &c

pledges &c. Jno Doe
Rd Roe

And the said James Wessells ad.r as aforesaid by Wm Allen his attorney comes and
defends the force and injuries when &c and prays Leave to imparle thereunto
until next Court & to that time the same day is given to the pltffs also
Att.n said next Court to wit the 4th day of July Anno Dom 1711 comes again at
well the said Wm Fishburn Merch.t and Wm Fishburn &c as aforesaid by their attorney aforesaid as the said
James Wessells ad.r as aforesaid by his attorney aforesaid and the said James ad.r as aforesaid by his attorney
prays further Leave to imparle thereunto until next Court and the said
same day is given to the pltffs also — Att.n said next Court to wit the 2d day
of Oct.r 1711 comes again as well the said Wm Fishburn Merch.t & Wm Fishburn &c
as aforesaid by their attorney aforesaid as the said James ad.r sued by his attorney aforesaid and the
said James Wessells ad.r as aforesaid by his attorney as before defends the force and injuries
when &c and says that the said Gerardus in his Lifetime did not obtain upon
himself in manner and form as the said Wm Fishburn and the said &c of the said
Thomas Graham aforesaid in their Writs and Complaints and of this the said
himself upon the Country — Yet notwithstanding the said James Wessells
ad.r as aforesaid by his attorney aforesaid relinquishing the averment aforesaid by him above
pretended says that he cannot gainsay the pltffs their action aforesaid
against him brought nor can he say but that the said pltffs ought to recover
their damages by occasion of the premises aforesaid to the sum of said hundred
two pounds Stg and Costs of suit against him to be Levyed of the goods and Chattells
which were of the said Gerardus Wessells at the time of his death in his
hands remaining to be administered &c. Wherefore the said pltffs doth not gainsay
Therefore it is considered by the Justices here that the second day of

(Oct.r)