William Fitzhugh Esqr

Hannah Warring adm^x

Sampson Darking

Maryland fs

Hannah Warring late of Calvert County Gentlew^n adm^x of all & singular the goods & Chattels rights & Credits which were of Sampson Warring deceased was attached to Answer unto William Fitzhugh Esqr of a plea of trespass upon the case &c. And whereupon the same William by Daniel Dulany his attorney complaines that whereas between Merch^ts and other persons residing or Negotiating in the Negotiating within this the province of Maryland (the contrary whereof in the memory of man is not known) there hath been a certaine custome used and approved (vizt) that if a Merch^t or other person within this province of Maryland residing commercing or Negotiating should make any bill or bills of Exch^ange of the same tenor and effect as the bill or bills to any Merch^t or other person in London or residing commercing or Negotiating therein and upon such bill or bills so directed request and account such merch^t or other person to whom such bill or bills of Exchange was directed to pay to the Merch^t or other person in such bill or bills mentioned any such summe of money as in the same bill or bills likewise mentioned and if such Merch^t or other person in such bill or bills mentioned or his ordered refused payment of the money in such bill or bills mentioned is appointed to be made by any Indorsem^t in writing on such bill or bills of Exch^ange with his proper hand subscribed under the contents of such bill or bills to be paid to any other Merchant or other person or his order & if after such Indorsem^t in such bill or bills of Exch^ange such Merch^t or other person residing in London aforesaid to whom such bill or bills was so directed refused to accept such bill or bills of Exch^ange and to pay the contents thereof to any Merch^t or other person appointed by such Indorsem^t as aforesaid to receive the same & that such bill or bills of Exch^ange should be protested for non acceptance or non payment of the money in such bill or bills mentioned according to the usage & Customs of Merch^ts all of time aforesaid used & approved that then such Merch^t or other person who indorsed such bill or bills of Exchange in the ground & become chargable and liable by the Customs aforesaid (all the time aforesaid used and approved) to pay the money in such bill or bills of Exchange to the person to whom payment thereof by Indorsem^t as aforesaid was appointed to be made & sub ord^r with all Interest Cost damages & Charges occasioned by the non acceptance and non payment thereof and the aforesaid William in fact says that a certaine Peter Sewell the thirty eight day of Augt Anno Dom^i Seventeen hundred and eight at Calvert County aforesaid (being a person then and there residing and negotiating) made three bills of Exchange (vizt) the first second and third bills of Exchange of the same tenor and effect and the same time and the first of the bills of Exchange aforesaid directed to John Hyde at London aforesaid residing (and then and there commercing) directed by the same first bill requested the said John Hyde at twenty days sight thereof this second and third of the same tenor & date not being paid to pay unto the said Sampson Warring or ord^r the summe of twenty four pounds sixteen shillings and five pence sterling and to place the same to acc^t of the said Peter And the aforesaid Sampson in his Life the thirteenth day of Augt Anno Dom^i Seventeen hundred and eight at Calvert County aforesaid by Indorsem^t of the first bill according to the usage and Customs aforesaid all the time aforesaid used and approved appointed the contents thereof to be paid to the aforesaid William Fitzhugh whereof the said W^m afterwards [to wit] the twenty eight day of January Anno Dom^i one thousand seven hundred and eight at London aforesaid gave notice to the said John Hyde of the making and Indorsem^t of the bill aforesaid and then and there requested the said John to accept the same and to pay the contents thereof which the said John Hyde then and there and always afterwards hitherto hath refused to accept and not accepted the first bill aforesaid or pay the contents thereof according to its tenor and effect, wherefore the aforesaid William Fitzhugh afterwards [to wit] the twenty day of January Anno 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aforesaid the said Sampson in his Life the said twenty fifth day of March Anno Dom^i Seventeen hundred and nineteen at Calvert County aforesaid upon himself assumed and to the aforesaid W^m then and there faithfully promised that he the said Sampson in his Life the said summe of twenty four pounds sixteen shillings and five pence sterling and all Cost damage Interest and charges occasioned by the non payment thereof to the aforesaid William when thereunto requested would well and truly Content and pay Nevertheless the said Sampson in his Life and the said Hannah since his decease the promise and assumpt^n aforesaid as aforesaid by the said Sampson made not regarding but minding and fraudulently intendingly him the said W^m in this part deceitfully and subtilly to defraud and defeat the aforesaid Sampson in his Life the said summe of twenty four pounds sixteen shillings & five pence sterling and Cost damage and Charges occasioned by the non payment thereof or any part thereof to the 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(attached)

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such bill or bills mentioned is appointed to be made by any Indorsem^t in writing on such bill or bills of Exch^ange with his proper hand subscribed under the contents of such bill or bills to be paid to any other Merchant or other person or his order & if after such Indorsem^t in such bill or bills of Exch^ange such Merch^t or other person residing in London aforesaid to whom such bill or bills was so directed refused to accept such bill or bills of Exch^ange and to pay the contents thereof to any Merch^t or other person appointed by such Indorsem^t as aforesaid to receive the same & that such bill or bills of Exch^ange should be protested for non acceptance or non payment of the money in such bill or bills mentioned according to the usage & Customs of Merch^ts all of time aforesaid used & approved that then such Merch^t or other person who indorsed such bill or bills of Exchange in the ground & become chargable and liable by the Customs aforesaid (all the time aforesaid used and 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(attached)

and afterwards to wit the thirty first day of March Anno Dom^i Seventeen hundred and nineteen at Calvert County aforesaid and divers other days times and places since and before requested did not pay nor the said Hannah since the decease of the said Sampson was legally Committed administration of the goods & Chattels rights & Credits which were of the said Sampson at the time of his decease and publishing the last day of July Anno Dom^i Seventeen hundred and seven at Calvert County aforesaid the said Hannah was by the Court there ordered to recover against the said William Fitzhugh the said summe of twenty four pounds sixteen shillings and five pence sterling with the costs of suit and damages of the said William by reason of the premisses refused and still does refuse to the damage of the said William forty pounds sterling and therefore he brings his suit &c.

Pledges for the Prosecution

John Doe
Richard Roe

All of which the said Hannah Warring adm^x as aforesaid by Daniel Dulany her attorney comes and defends the wrong and injury when &c. and prays Leave to imparle hereunto until next Court and this it is granted &c. Upon which day it is given to the said parties aforesaid Court here until the