of him accordingly - Thereupon the said William Diggs by his said —
Attorney declares against the said William Kitchen in the plea aft as
follows (Viz:) Maryland ss: William Kitchen of Somerset County plain:
tiff was attached to answer unto William Diggs of a plea of Trespass upon the
Case And whereupon the same William Diggs by Daniel Dulany his Atty
Complains that whereas a Certain Luke Brown the fourth Day of April in the
year of our Lord Seventeen hundred & thirty two at Prince Georges County —
according to the use & Customs of Merchants made & Drew his Bill of Exchange
in Writing with his proper hand & name thereto Subscribed bearing Date the
Day & year aft & Directed the same to John Hyde & Company at thirty Days
sight of that his first Bill of Exchange to pay unto the said William Kit-
chen & a Certain Thomas Gray or their Order thirty two pounds Seven —
Shillings Sterling for value of them received & to place the same to Account
of the said Luke Brown which said Bill of Exchange the Day & year aft in
the County aft according to the usage & Custom aft was by the same William
Kitchen to the said William Diggs indorsed & the said William Diggs —
afterwards to wit the Second Day of February in the year aft at London in
the County aft Caused the said Bill of Exchange to be shewn to the aft John
Hyde & Company in Order to procure Acceptance thereof & payment of the
Money therein mentioned who would not accept the said Bill or pay the
Money therein mentioned according to the Tenour thereof Wherefore the
said William Diggs the Day & year last mentioned at London in the —
County aft the said first Bill the Second & every other Bill of the same Tenor
& Date being unpaid did protest or Cause to be protested & the said William
Diggs further in fact Saith that the Cost Damage & Charge occasioned by the —
Nonpayment of the said thirty two pounds Seven Shillings Sterling & the —
Protestation of the said Bill amount to Six pounds thirteen Shillings & Seven
Pence Sterling Of all which Premises the said William Kitchen the first Day
of May in the year of our Lord Seventeen hundred & thirty four at the County
aft had Notice by reason of which Premises & the Custom aft the said William
Kitchen became Chargeable with the payment of the said thirty two pounds
Seven Shillings Sterling in the said Bill mentioned & the Cost Damage &
Charge aft amounting in all to thirty Nine Pounds & Seven pence Sterling —
& being so therewith Chargeable the said William Kitchin in Consideration
thereof the Day & year last mentioned at the County aft upon himself assumed
& to the said William Diggs then & there faithfully promised that he the said
William Kitchen the said thirty Nine pounds & Seven pence Ster to the said
William Diggs when thereunto required would well & truly Content & pay
& altho the said William Kitchen paid Eleven pounds Eight Shillings & two pence
Sterling parcell of the said thirty Nine pounds & Seven pence yet the said —
William Kitchen as to twenty Seven pounds twelve Shillings & two pence
Sterling residue of the said thirty Nine pounds & Seven pence Sterling his
promise & Assumption aft not regarding but minding & fraudulently in-
tending him the said William Diggs in this part Craftily to deceive & defraud
the said William Kitchen the said twenty Seven pounds twelve Shillings —

(and)

and two pence Sterling or any part thereof to the said William Diggs hath not
paid or any way Contented altho so to do the said William Kitchen by the said
William Diggs the Day & year last mentioned & often time at the County aft
was requested but the same to him to pay hath refused & still doth refuse to the
Damage of the said William Diggs forty pounds Sterling & therefore he brings
Suit &c — Pltff &c John Doe & Richd Roe —

And the said William Kitchen in Custody as aft by William Bothinghan
his Attorney Comes & defends the force & injury when &c And prays leave to imparle
hereunto untill next Court And he hath it & the same Day is given to the said
William Diggs also —

At which said next Court to wit the 19th Day of October Anno Dom 1736
Comes again the said parties pltff & Deft by their Attorneys aft And the said —
Deft by his said Attorney prays further leave to imparle hereunto untill —
next Court And he hath it And the same Day is given to the pltff also —

At which said next Court to wit the 17th Day of May Anno Dom 1737 Comes —
again as well the said William Diggs by his Attorney aft as the said William —
Kitchen by his Attorney aft And the said William Kitchen by his said Attorney as
before Defends the force & injury when &c And Saith that he did not assume upon
himself in manner & form as the aft William Diggs above against him hath
Complained And thereof he puts himself upon the Country - And the pltff also —

Whereupon for Trying the Issue aft Command is given to the Sheriff of
Prince Georges County that he Cause to Come before the Justices of his Lordships
Provincial Court at Annapolis the third Tuesday of October next or before the —
Justices appointed to take the Assizes in his County if they shall before that time to —
wit on Fryday the thirtieth Day of September next to the County Court house in
the said County Twelve good & Lawfull men of his Bailywick by whom &c
who neither &c to recognize &c because as well &c —

Afterwards the Process Continued between the parties aft on the plea
aft by the Jury being put thereon in respite here untill the third Tuesday of October
next unless the Justices of his Lordship the Lord Propry to take the Assizes in the —
said County assigned on Fryday the thirtyeth Day of September next to the County
Court house in the said County should Come —

And now here at this Day to wit the 18th Day of October Anno Dom 1737
Comes again into his Lordships Provincial Court as well the said William Diggs
by his Attorney aft as the said William Kitchen by his Attorney aft And the —
Justices of Assize before whom &c send here their Record before them had in these
words — Afterwards to wit at the Day & place last above mentioned before the —
Honble Robert Gordon & Benjamin Young Esqrs two of the Justices of the —
Provincial Court assigned to take the Assizes in Prince Georges County according
to the form of the Act of Assembly &c Came as well the within named William
Diggs by his Attorney aft as the said William Kitchen by his Attorney aft And
the Jurors of that Jury whereof mention is above made being Called likewise
Come to wit David Crawford James Wilson Jer Bolt; Osburn Sprigg Richd Lanham —
Vinian Magruder Benja Bolt Junr Richard Harrison Henry Mapey Thos Owen Samuel
Bussey and Robert Pettinger who being duely Elected tried & Sworn to say the truth in

(the)