the Premisses upon their Oath do say that the said William Kitchen undertook in manner & form so as the aft William Diggs above against him Complains & they assess the Damages of the said William Diggs by means of the not performing the premisses & undertakings aft over & above his Costs & Charges by him about his Suit put unto in this behalf to the Sum of twenty seven pounds twelve Shillings & two pence Sterling —

Therefore it is Considered by the Justices here the 10th Day of October Anno Dom 1737 aft That the said William Diggs recover against the said William Kitchen as well the Sum of twenty Seven pounds twelve Shillings & two pence Sterling his Damages aft by the Jurors aft in form aft assessed as also the Sum of

1942 Pounds of Tobacco by the Court here to the same William Diggs awd his assent adjudged for his Costs & Charges by him about his Suit in this behalf laid out & expended And the aft Deft in Mercy &c —

Dd William Diggs — } Maryland ss.
ad
Wm William Kitchen } Be it Remembred that heretofore Command was given to the Sheriff of Somerset County that he should take William Kitchen of Somerset County Planter if he should be found in his Bailywick & him should safe keep so that he might have his Body before the Justices of his Lordships Provincial Court to be held at Annapolis the third Tuesday of May then next to answer unto William Diggs of a plea of Trespass upon the Case And that thereof he the said Sheriff should not fail &c

At which said third Tuesday of May to wit the 18th Day of the same Month Anno Dom 1736 being the Day of the return of the aforegoing Writ Comes into his Lordships Provincial Court here as well the said William Diggs by Daniel Dulany Esq his Attorney as the Sheriff of Somerset County to whom the same Writ was directed likewise Comes & makes return thereof to the Court here thus Indorsed (Vizt) Cepi Corpus. Jos. McChester Shed —

Whereupon the said William Kitchen being Called appears And Thereupon at the prayer of the plaintiff by his Attorney aft the said William Kitchen by the Court here is adjudged to give Special Bail to the Action aft but for want thereof he is Committed into the Custody of the Sheriff of Somerset County there to remain untill &c & the said Sheriff to wit Joseph McChester Esqrt being present took Charge of him accordingly —

Thereupon the said William Diggs by his said Attorney Declares agt the said William Kitchen in the plea aft as follows (Vizt)

Maryland ss. William Kitchen of Somerset County Planter 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 Attorney Complains that whereas a Certain William Robertson the twentieth Day of May in the year of our Lord Seventeen hundred and thirty

(two)

two at Prince Georges County according to the Usus & Custom of Merchants made & drew his Bill of Exchange in Writing with his proper hand & Name thereto Subscribed & Directed the Same to Daniel Lamport Merchant in London by which Bill the same William requested the said Daniel Lamport at thirty Days Sight of that his first Bill Exchange to pay to the said William Kitchen & a Certain Thomas Gray or their Order the Sum of forty Six pounds three Shillings & Six pence Sterling for Value of them received & to place the same to the Account of the said William Which said Bill of Exchange the Day & year aft at the County aft according to the usage & Custom aft was by the said William Kitchen to the aft William Diggs Indorsed & the said William Diggs afterwards to wit, on the thirteenth Day of January in the year of our Lord Seventeen hundred & thirty two at London in the County aft Caused the said Bill of Exchange to be shown to the aft Daniel Lamport in Order to procure acceptance thereof & payment of the Money therein mentioned according to the Tenour thereof For want of Effects 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 Tenour & Date being unpaid did protest or Cause to be protested And the said William Diggs further in fact Saith that the Cost Damage & Charge occasioned by the non payment of the said forty Six pounds Eight Shillings & Six pence & the protestation of the said Bill amount to Nine pounds Eight Shillings & Eleven pence Of all which Premisses the said William Kitchen the Second Day of May in the year of our Lord Seventeen hundred & thirty four at the County aft had notice By reason of which premisses & the Custom aft the said William Kitchen became Chargeable with the payment of the said forty Six pounds three Shillings & Six pence in the Bill mentioned and the Cost Damage & Charge aft amounting in all to fifty five pounds twelve Shillings & five pence Sterling & being so therewith Chargeable the said William Kitchen 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 fifty five pounds twelve Shillings & five pence Sterling to the said William Diggs when thereunto required would well & truly Content & Pay & altho the said William Kitchen paid unto the said William Diggs thirty pounds part of the said fifty five pounds twelve Shillings & five pence Sterling yet as to twenty five pounds twelve Shillings & five pence the Residue the said William Kitchen his promise & assumption aft not regarding but minding & fraudulently intending him the said William Diggs in this part craftily to deceive the said William Kitchen the said twenty five pounds twelve Shillings & five pence residue as aft 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 Since 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 fifty pounds Sterling & therefore he brings Suit &c Pledges &c Jno Doe & Richd Roe —

And the said William Kitchen in Custody as aft by William Bockingham his Attorney Comes & defends the force & Injury when &c And Prays Leave to

(imparle)