whereby the same Plaintiff remains against the same defendant wholly unsatisfied.
Therefore it is considered by the Justices here the 8th day of September Anno Domini 1761 afs. that the aforesaid John James ought to recover his damage against the afs. John Robinson by Occasion of the Premisses But because it is unknown to the Court here what Damages the said John James hath Sustained by Occasion of Premisses It is Commanded the Sheriff of Prince Georges County that by the Oath of Twelve honest & lawful men of his Bailiwick he diligently Enquire what Damages the afs. John James hath Sustained as well by Occasion of the premisses afs. as for his Costs and Charges by him about his Suit in this particular Expended & that the Inquisition which he shall take thereupon he send to the next Provincial Court to be held at Annapolis the Second Tuesday of April next under his Seal and the Seals of those by the Oath of whom that Inquisition shall be taken together with the Writ of the Lord Proprietary to him thereof Directed & the same day is given to the afs. John Robinson there &c.

M3 The Lord Proprietary
against
M3.22 Joseph Smith

Command was given to the Sheriff of Baltimore County that he should take Joseph Smith late of Baltimore County Iron Master if he should be found in his Bailiwick and him should safe keep so that he might have his Body before his Lordships Justices of his Lordships next Provincial Court to be held at Annapolis the Second Tuesday of September then next to Answer unto our self in a plea of Trespass upon the Case and so forth and that thereof he the said Sheriff should not fail at his Peril &c.

And the said Stephen Bordley Attorney General of the said Lord Proprietary declares against the said Joseph Smith in the plea afs. as follows to wit —
Baltimore County Ss. Joseph Smith late of Baltimore County Iron master was Attached to Answer unto the Right Honourable Frederick Lord Baltimore in a plea of Trespass upon the Case and so forth — And whereupon the said Frederick by Stephen Bordley his Attorney complains that whereas the afs. Joseph being a person trading merchandizing and using commerce within the province to wit at Baltimore County aforesaid did on the Eighth day of September Seventeen hundred and fifty seven according to the usage and Custom of Merchants in Great Britain and this province time out of mind used and approved make and with his proper hand Subscribe his certain Second Bill of Exchange in writing bearing date the day and year aforesaid and the same Bill directed to a certain John Price Merchant in Bush Lane in London in Great Britain aforesaid and by the same Bill the said Joseph requested the said John Price at thirty days Sight of that his

(Second)

Second of Exchange his first third fourth nor fifth paid) to pay unto a certain Abraham Wayne by the Name of Mr. Abraham Wayne or his Order the Sum of One hundred pounds Sterling Money of Great Britain for value received of him and to place the same to the Account of him the said Joseph And the afs. Abraham Wayne afterwards to wit on the day and year aforesaid at the County aforesaid by his Indorsement on the said Bill of Exchange (so as afs. made Subscribed and directed made and with his proper hand Subscribed according to the usage and custom of Merchants aforesaid all the time aforesaid used and approved ordered the said John Price to pay the Contents of the said Bill of Exchange to him the said Frederick or order the afs. Abraham Wayne then and still residing trading merchandizing and using commerce within this province to wit at the County afs. which said Bill so as afs. made Subscribed and directed with the Indorsement thereon as aforesaid made afterwards to wit on Ninth day of October in the year of our Lord Seventeen hundred and fifty eight was by the order and for the use of him the said Frederick exhibited and Shewn unto him the said John Price and the said John Price was then and there by the order aforesaid by Virtue of the Indorsement thereon as aforesaid according to the Usage and Custom of Merchants aforesaid requested to pay the said Bill to the order and for the use of him the said Frederick But the said John Price then and there refused and always hitherto hath refused to pay the said Bill or the Contents or any part thereof to the order and for the use aforesaid by Reason whereof the said Bill of Exchange afterwards to wit on the day and year last aforesaid at London aforesaid according to the usage and custom of merchants aforesaid (the aforesaid John Price having before that time had thirty days Sight thereof to wit from the Seventh day of September then last past at London aforesaid and the first third fourth and fifth of the said Bills being impaid) was protested of all which premisses the afs. Joseph afterwards to wit on the first day of April Seventeen hundred and fifty nine at Baltimore County aforesaid had Notice by reason whereof the afs. Joseph according to the usage and Custom of Merchants aforesaid in that behalf time out of mind used and approved became liable for and chargeable to pay unto him the said Frederick the afs. Sum of Money in the said Bill of Exchange mentioned together with all lawful Cost Damage and Interest by the said Frederick suffered and sustained by reason of the Non payment of the said Bill of Exchange or the Contents thereof and Protest as afs. and being so therewith chargeable the aforesaid Joseph afterwards to wit on the day and year last afs. at the County afs. in Consideration of the premisses upon himself Assumed and to the said Frederick then and there faithfully promised that he the said Joseph the aforesaid Sum of Money together with all lawful Cost Damage and interest by him the said Frederick suffered

(and)