aforesaid all and every Hogshead of Tobacco of him the said James John Mackall which he the said James John Mackall should afterwards deliver to him the said John Baines to be Transported in the said Ship from Patuxent River aforesaid to the Port of London aforesaid and the same safely and securely deliver in the Port of London aforesaid to him the said James John Mackall or his Assigns the Danger of the Seas excepted And the aforesaid James John Mackall in fact saith that he giving Faith and Credit to the Promise and Assumption aforesaid of the aforesaid John Baines did afterwards to wit on the day and Year aforesaid at the County aforesaid deliver to him the said John Baines thirteen Hogsheads of Tobacco of him the said James John Mackall to be safely and securely Transported and carried in the said Ship from Patuxent River aforesaid to the Port of London aforesaid and there delivered according to the Promise and Assumption aforesaid of him the said John Baines And although the said John Baines did then and there receive the said thirteen Hogsheads of Tobacco Nevertheless the aforesaid John Baines his Promise and Assumption aforesaid so as aforesaid made as to the whole residue thereof not regarding but minding and fraudulently intending him the said James John Mackall in this part Craftily and Subtilly to deceive and defraud the aforesaid thirteen Hogsheads of Tobacco of him the said James John Mackall so as aforesaid delivered to and received by him the said John Baines the aforesaid thirteen Hogsheads of Tobacco or either of them hath not Transported and carried in the said Ship from Patuxent River aforesaid to the Port of London according to his promise and Assumption aforesaid but the said thirteen Hogsheads of Tobacco so negligently and improvidently kept and unskilfully managed that the same thirteen Hogsheads of Tobacco and every of them afterwards to wit on the Day and Year aforesaid in Patuxent River in the County aforesaid by the Default and Negligence of him the said John Baines were wet drowned and totally spoiled and of no value become whereby the said James John Mackall saith that he is the worse and hath Damage to the Value of two hundred Pounds Sterling Money and therefore he brings suit and so forth

Pledges and so forth John Doe & Richard Roe

And the aforesaid John Baines by his Attorney aforesaid comes and defends the Force and injury when and so forth and saith that he did not Assume upon himself in manner and form as the said James John Mackall above against him hath declared and of this he puts himself upon the Country and so forth And the Plaintiff in like manner — Whereupon for trying the Issue aforesaid Command is given to the Sheriff of Anne Arundel County that he Immediately cause to come here twelve good and Lawfull Men of his Bailiwick by whom &c who neither &c to recognize &c because as well &c of which said Precept the said Sheriff to wit Rinsey Johns Esquire makes return that he has here ready twelve &c as by the said Precept he was Commanded to wit / Nicholas Worthington Foreman Richard Tuzby, John Stoops, John White, Joseph Ennor, George Dawson, William Smith, Ebenezer Rogner, George Middleton, John Cox, Stephen Garland and William Martin Who being duly Elected tryed and Sworn to say the Truth in the premisses upon their Oath do say that the said John Baines did Assume upon himself in manner and form as the said James John Mackall above against him hath declared and Assess the Damages of the said James John Mackall by Occasion of the Non performance of the said John Baines in the Declaration Specified to One hundred and forty two Pounds two shillings and one penny Sterling besides his Costs and Charges by him about his Suit in this behalf Expended

Therefore It is Considered by the Justices here that the said James John Mackall recover against the said John Baines the sum of one hundred and forty two Pounds two shillings and one penny Sterling his Damages by the Jury aforesaid in form aforesaid Assessed

lbs. 2691 Tob. As also the sum of pounds of Tobacco for his Costs and Charges by him about his Suit in this Behalf Expended And the said Defendant In Mercy &c.

Rest Reverdy Ghiselin Clk

J. Alexander Lothian
against
J.H. John Newman } Memorandum the Defendant sued out his Lordships Writ of Habeas Corpus the Tenor whereof follows in these words Viz. Maryland ss. Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. to the Justices and Sheriff of Charles County Greeting whereas