several Hogsheads of Tobacco and every of them in the Plaint aforesaid for the Space of two whole days then next following to wit from the said Twenty sixth day of September and year last aforesaid unto the twenty eighth day of the same September remained and afterwards to wit on the same twenty eighth day of September Seventeen hundred and fifty nine aforesaid in the River aforesaid to wit at Prince Georges County aforesaid wholly by the Violence of the Winds Cast away and in the water of the said River lost Drowned and totally Spoiled and of no value became wherefore he the said James John Machnal afterwards to wit in April Com Seventeen hundred and sixty in this Court here sued impleaded and prosecuted him the said John Barnes in a plea of Trespass upon the Case and set forth of fact and concerning his the said John Barnes suffering the said thirteen hogsheads of Tobacco of the said James John Machnal to be lost Drowned and spoiled as aforesaid and therein Caused him the said John Barnes to be arrested and in which same Suit thereupon such further proceedings thereof afterwards to wit in September Term Seventeen hundred and sixty two in the Court here before John Bruce Esquire and his Associates Justices of the same Court the aforesaid James John Machnal by Consideration of the same Court did recover against him the said John Barnes as well the sum of One hundred & forty two pounds two Shillings and one penny Sterling money for his Damages as also One Shilling & one penny Sterling money and two thousand six hundred and ninety one pounds & three Quarters of a pound of Tobacco for his Costs and Charges by him about his Suit in that part laid out and expended and he the said John Barnes was Alleged and compelled to lay out great sums of money and Quantities of Tobacco about his Defence in the said Suit and he the said James John Machnal hath also sued forth his Lordships Writ of Capias ad satisfaciendum against him the said John Barnes of and upon the Trespass aforesaid and he the said John Barnes after the said twenty eighth day of September Seventeen hundred and fifty nine aforesaid and after the said Several Hogsheads of Tobacco were lost Drowned and Spoiled as aforesaid to wit on the Tenth day of September Seventeen hundred and sixty One at Prince Georges County aforesaid for the avoiding his Suit at Law paid and satisfied to the said John Bechnell the sum of Thirty pounds Sterling for his the said John Bechnells three hogsheads of Tobacco to wit drowned and spoiled as aforesaid and paid and satisfied to the said Naja Skinner the sum of Twenty pounds Sterling for his the said Naja Skinners two hogsheads of Tobacco to wit drowned and spoiled as aforesaid, and paid and satisfied to the said Joseph Hance the sum of Fifty pounds Sterling money for his the said Joseph Hances five Hogsheads of Tobacco to wit drowned and spoiled as aforesaid, And also paid to the said Thomas Clearly Dare the sum of Ten pounds Sterling money for his the said Thomas Clearly Dares his

(One)

One Hogshead of Tobacco to wit drowned and spoiled as aforesaid whereupon the said John Barnes saith he is thereunto and hath damage to the value of five hundred pounds Sterling money and therefore he brings suit and so forth —

Pledges and so forth John Doe & Richard Roe

And the aforesaid John Read Magruder by Thomas Clark James Holliday and Robert Goldsborough his attorneys Comes and Defends the force and Injury when &c. and so forth and prays leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also —

At which said next Court to wit the thirteenth day of September Anno Dominii 1763 Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorneys prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the Eleventh day of September Anno Dominii 1764 Come again the said Parties Plaintiff and Defendant by their Attorneys aforesaid and the said Defendant by his said Attorneys prays further leave to Imparle hereunto until next Court and he hath it and the same day is given to the Plaintiff also —

At which said next Court to wit the Ninth day of April Anno Dominii 1765 Come again as well the said John Barnes by his Attorney aforesaid as the said John Read Magruder by his Attorney aforesaid and the said John Barnes by his Attorney aforesaid prays that the said John Read Magruder to his Declaration aforesaid above against him may answer And the aft John Read Magruder by his Attorneys aforesaid as before Defends the force and Injury when &c. and so forth and saith that he is not Guilty of the premises aft above upon him imposed in manner and form as the aft John Barnes above against him hath Complained and of that he puttith himself upon the Country &c. and so forth and the aft John Barnes in like manner —

And the aft John Read Magruder with the leave of the Court here according to the form of the Statute in such Case made and provided Comes and Defends the force and Injury when &c. and so forth and further saith that the aft John Barnes as to the first Count in the Declaration aft his Action aft thereof against him to have or maintain ought not because he saith that he never did grant appoint and make the said John Barnes Master and Commander of the said Ship called the Seaflower in the first Count aft above mentioned as the said John Barnes in his said first Count hath declared and of this he puts himself upon the Country and so forth and the aft John Barnes in like manner —

And the aft John Read Magruder with the leave of the Court here according to the form of the Statute aft Comes and Defends the force and Injury when &c. and so forth and further saith that the aft John Barnes as to the second Count

(In)