to recognize &c because as well &c Afterwards the process continued between the parties in the plea afo.d by the Jury being put thereon in respite here until the third Tuesday of October next unless the Justices of his Lordships the Lord proprietary to take the Assizes in the said County assigned on Monday the Eighth Day of September next to the County Court House in the said County shall come. — And now here at this Day to wit the third Tuesday of October being the 21st Day of the same Month Anno Domini 1766 Comes again into his Lordships provincial Court as well the said William Witch by his Attorney aforesaid as the said Charles Brown by his Attorney aforesaid But the Sheriff has not sent his Writ, And the said Charles Brown offers himself ready for Tryal against the aforesaid William Witch, in the plea aforesaid But the said William Witch, altho' solemnly called comes not but makes Default nor does he further prosecute his Writ aforesaid against the aforesaid Charles Brown in the plea aforesaid — Therefore it is Considered by the Justices here that the said William Witch take nothing by his Writ aforesaid against the aforesaid Charles Brown but that he and his pledges of prosecution to wit, John Doe & Richard Roe be in Mercy &c And it is also Considered that the said Charles Brown go thereof without Day &c And that the said Charles Brown recover against the said Plaintiff the Sum of

pounds of Tobacco by the Court here unto him on his Account adjudged for his Costs and Charges by him about his Defence in that behalf laid out and expended — And that he have thereof his Execution &c

Test Reverdy Ghiselin Clk

Tl. Collin Somerville for Stewart & Campbell.

vs.

Rg. Robert Ewing

Command was given to the Sheriff of Dorchester County that he should take Robert Ewing late of Dorchester County if he should be found in his Bailiwick, and him safe keep so that he might have his Body before the Justices of our provincial Court to be held at Annapolis the second Tuesday of April then next to Answer unto Collin Somervill of a plea of Trespass upon the Case and so forth And that thereof he the said Sheriff should not fail and so forth —

At which said second Tuesday of April to wit the 9th Day of the same Month Anno Domini 1766 being the Day of the return of the aforegoing Writ Comes the said Collin Somerville by Thomas Johnson his Attorney as the Sheriff of Dorchester County to whom the same Writ was Directed likewise Comes and makes return thereof to the Court here thus Endorsed to wit. Executi so Answers John Dickenson Shff of Dorch.r County. And the aforesaid Robert Ewing being called upon appears Thereupon at the prayer ~~of the prayer~~ of the plaintiff by his ~~his~~ Attorney aforesaid the said Robert Ewing is Adjudged to give Special Bail to the Action aforesaid Thereupon the said Robert Ewing by Robert Goldsborough his Attorney files in Court here the following Bail piece Viz.t Colin Somerville plaintiff against Robert Ewing Defendant. You William Jones, Roger Jones and either of you do undertake for the said Robert Ewing Defendant in the Sum of fforty pounds Sterling Money of Great Britain to be Levied on your & either

of

of your Lands Tenements Goods & Chattels to the Use of the said Colin Somerville Plaintiff upon Condition that if the said Colin Somerville do obtain Judgment in an Action on the Case depending in the provincial Court against the said Robert Ewing the Defendant that then the said Robert Ewing shall pay the Condemnation of the Court thereupon or Deliver himself to the Custody of the Sheriff of Dorchester County in satisfaction thereof or you or one of you will do it for him. They acknowledge themselves to be Content therewith this fifth Day of April in the Year seventeen hundred & fifty five Before us — —

Rob.t Ross
Jn.o Anderson.

To the Worthle the Justices of the provincial Court

And the aforesaid Colin Somervill by his Attorney ~~Attorney~~ aforesaid Declared against the said Robert Ewing in the plea aforesaid as follow to wit. —

Dorchester County to wit, Robert Ewing late of Dorchester County was Attached to Answer unto Collin Somervill of a plea of Trespass upon the Case and so forth And Whereupon the said Colin Somervell by Thomas Johnson junior his Attorney complains that Whereas the aforesaid Robert being a person Trading Merchandizing and Using Commerce within this province to wit, at Dorchester County aforesaid did on the thirteenth Day of August in the Year seventeen hundred and fifty two in the County aforesaid 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 third Bill of Exchange in Writing bearing Date the Day and Year aforesaid and the same Bill Directed to a certain John Ewing Merchant in the ffairley to wit at Irwin in Great Britain aforesaid And by the said Bill the said Robert requested the said John at Twenty Days sight of that his third of Exchange his first second nor fourth of the same tenor and Date paid to pay unto the said Colin by the Name of Colin Somervell or Order the Sum of twenty pounds thirteen shillings Sterling for Value received and to place the same to Account of him the said Robert which said Bill so as aforesaid made subscribed and Directed was by the Order and for the Use of him the said Colin after the making thereof to wit on the tenth Day of ffebruary in the Year seventeen hundred and fifty three at Irvine aforesaid exhibited and shewn unto the said John And the said John was then and there by the Order 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 Colin But the said John 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 Irvin aforesaid according to the Usage and Custom of Merchants aforesaid the said John having before that Time had twenty Days sight thereof, to wit, from the nineteenth Day of January then last past at Irvin aforesaid and the first second and fourth of the said Bills of the same Tenor and Date being unpaid was protested whereof the aforesaid Robert afterwards to wit on the fifth Day of August seventeen hundred and fifty three at Dorchester County aforesaid had Notice By reason of which premisses the said Robert 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 Colin the aforesaid Sum of Money in the said Bill of Exchange mentioned together with all lawfull Cost Damage and Interest by the said Colin suffered and sustained by Reason of the Non payment of the said Bill of Exchange or the Contents thereof and protest as aforesaid And being so therewith Chargeable the aforesaid Robert afterwards to wit on the Day and Year last aforesaid at Dorchester County aforesaid in Consideration of the premisses upon himself assumed and to the said Colin then and there faithfully promised that he the said Robert the aforesaid Sum of Money in the said Bill of Exchange mentioned

together