Amount but the said John Hyde the Drawer of the Bill of Exchange to
account & payd allogeather denyed to pay the same & thereupon afterwards to wit
the same day & yeare last mentioned at Lond. aforesd first Bill of
Exchange for want of acceptance & payment thereof was by Robert
Forrens Notary Publick dwelling in London aforesd according to the
Custome of Merchants aforesd protested for want of payment thereof
of wch the said John Lewis afterwards (to wit) the 10 day of Aug
1709 at Calvert County aforesd Maryland and the said Jn Lewis in
Consideration thereof and of the Customs of Merchants assumed
upon himself to the said John Hyde & Company & then there faithfully
promised that he the said Jn Lewis the said sum of £ 9: 0: 1: Ster-
logeather with all the damages Costs & Interests of protest by the said Hyde
& Company sustained or to be sustained for want of acceptance
payment of the said Bill of Exchange unto the said Hyde & Company
afterwards thereunto required he would well & truly content & pay
Nevertheless the said Jn Lewis his promise & assumption & mind not
regarding but designing & fraudulently intending the said Hyde & Co
in this behalf craftily & subtilly to deceive & defraud the said
sum of £ 9: 0: 1: Ster logeather with the costs damages & interest of
protest unto the said Hyde & Co all & afterwards (to wit) the same day
year & place last mentioned and diverse other days & times he was thereon
thereto requested he all that not the same to pay but all the same
doth deny to the said damage of the said Hyde & Company & the
therefore they bring their Suit &c

Spley &c Jn Dodd
Rich Rogers

And the said John Lewis in his own proper person comes and
defends the force and injury when &c and says that he
cannot gainsay the plaintiffs then & there against
him ought to recover their damages by occasion of the premisses aforesd
sum of £ 9 sterling pounds five shillings and ten pence sterling and
costs of suit against him which said plaintiffs do not gainsay

Whereupon it is considered by the Court the 11 Day of
October Anno Dni 1709 that the said John Hyde & Company
recover of the said Defendant damages against the said John
Lewis as well the sum of £ 9 sterling pounds five shillings and
ten pence sterling their damages aforesd in form aforesd assessed as also
775 pounds of tobacco for the costs
Court here adjudged unto them of their assent for their costs
and charges about their suit in this behalf laid out and expended
and the defendant in mercy &c

Ex: John Broom
Jno Sander Gent of the
Mother and Comp

Memd the plaintiff tried out
his writ of attachment
the tenor whereof follows in
these words

Anne by the grace of God of Great Britain France and Ireland Queen
(Defender)

October Court 1709

Defender of the Faith &c to the Sheriff of Calvert County greeting we command
you that you attach any the goods & chattels rights or credits of Thomas Mastin
and Comp if they shall be found in your Bailiwick to the value of three
thousand pounds of tobacco and them safely keep so that you have the same before us
in our Court of our County aforesd to be held at Annapolis the third day of this
instant to be then and there endomaged according to law to satisfy unto John
Broom of Calvert County Merchant the sum of three hundred and fifty
pounds of tobacco which he recovered against them the said Thomas Mastin and
Comp the 4th Day of November Anno Dni 1708 before the Judge
Chancellor Keeper of our Court of our said province Court and his
associate Justices of the same Court for the Defaults in the Defendants of a
Plea Action of Trespass upon the Case brought by the said Thomas Mastin
and Comp against the said John Broom in our said Court of Chancery
and Convicted together with all such Costs as to the said John Broom shall
appertain upon the due prosecution of the same writ of attachment and that
by good and lawfull men of your Bailiwick you make known unto the
person or persons in whose hands you shall find the same attachment that he
the or they be and appear before the Justices of our said Court at the
Day and place aforesd to show cause if any the he or they have) why the
same should not be adjudged right or Credit the attached shall not be endomaged
in the hands or their hands according to law for and towards satisfaction
of the Damages and the above specified sum of tobacco you shall cause the writ
that you make known unto the said Defendant at the same Day and place
with which writ you shall and have you then there this writ
witness William Holland Esq Chief Justice of our said Court the 1st Day of
July in the 8th year of our Reigne Anno Dni 1709

(Dallam)

Attested

At which said second day of October being the 11th Day of the same
Month Anno Dni 1709 came the said John Broom by William Dallam
attorney and the said Thomas Mastin and to whome the aforesaid sum
was Demanded made return thereof in these words viz. By virtue of the within
Writ I have attached in the hands of John Sander Gent the within
Calvert County of the Rights and Credits of the within named
Thomas Mastin and Comp to the value of Eight pounds five
shillings and three pence sterling Money & have also made known
to the said John Sander that he be and appear before the Justices
within mentioned at the Day and place within mentioned to
show cause if any he have why the same should not be
endomaged to satisfy the said John Broom the Plaintiff within
mentioned before William Dallam and Roger Barton Gent. good
and lawfull men of my Bailiwick as by the within writ I am
commanded

Ex Black Crow

Sheriff