76 to be tried at Annapolis the fourth day of October next then and
to answer unto Samuel Smith Michael Gaspee of Trespass on the
Case, and that thereof the sheriff not fail &c

And whereupon the said Smith by Richard Dallam his attorney
complaineth that whereas the said Samuel upon the [illegible] day of
October Anno Dom. 1707 at Queen Elizabeth in Virginia (that is to say) at Montgomery
in Calvert County Maryland according to the Custom Between Merchants
of good credit made and drawn his Bill of Exchange with his proper
hand subscribed and dated the day and year aforesaid and to be payable John
Jones Merchant in Lightfoot in Lond. Direct and by the same requested
the said John Jones at sight one Days sight of that the sum of Fifty
three pounds and Fifteen Current Money of
England for value received which Bill of Exchange afterwards and before
Notice thereof by the said John Jones to wit) the same day and
year aforesaid at Montgomery aforesaid the said Samuel Gaspee delivered
with the proper hand made and according to the Custom of Merchants
ordered the aforesaid Fifty three pounds and Fifteen to be paid to
the aforesaid Samuel Smith or his order for the value of him received
whereof the same John Jones afterwards to wit) the twenty
seventh Day of May Anno Dom. 1708 at Lond. aforesaid and
the said Bill of Exchange made as aforesaid to him shewed and then
and there was requested to pay the said Fifty three pounds and
Fifteen to the order of the said Samuel Smith which he the said
totally refused and the said Samuel Smith in fact saith that the
aforesaid John Jones after sight of the said Bill of Exchange and
time aforesaid hitherto hath not paid to the said Samuel Smith
or his order the said sum of Fifty three pounds and Fifteen and that
for want of payment thereof the said Samuel Smith afterwards the
Day of May 1708 at Lond. aforesaid according to the Custom of
Merchants aforesaid protested or said to be protested thereof the said
Bill of Exchange the first and third of the same sums and date as
being paid whereof the said Samuel Smith afterwards to the Day of July
Anno Dom. 1708 at Montgomery aforesaid hath given to the said
payment of the said Fifty three pounds and Fifteen together with
the Damages interest and Costs by the said Samuel Smith sustained &
or hereafter to be sustained by reason of the same payment of the said
Bill to the said Samuel Smith and the said Samuel Gaspee in consideration
thereof the said 10 Day of July 1709 at Montgomery aforesaid on
him the said Samuel Gaspee assumed and to the said Samuel Smith then and there faithfully
promised that he the said Samuel Gaspee the said sum of Fifty three
pounds and Fifteen together with all the Damages interest and
Costs by the said Samuel Smith already sustained or hereafter

(to)

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to be sustained to the said Samuel Smith when after reasonable requested would
well and truly content and pay. Nevertheless the said Samuel Gaspee the
promises and assumptions aforesaid regarding but minding and fraudulently
intending the said Samuel Smith in this parte Fraudulently and deceitfully to delay
and defraud the said sum of Fifty three pounds and Fifteen and the Damages
interest and Costs aforesaid and many other wrongs to the said Samuel
Smith doing to do he was required the 10 Day of July Anno Dom.
Montgomery aforesaid and Diversi other Days and times) hitherto paid
but hitherto to pay Fifty Dollars and Fifty Dollars of the Damages
of the said Samuel Smith One hundred pounds and thereupon the
Suit this Suit &c

Pledges &c Jno Doe Richd Roe

At which Court Second Tuesday of October being the 11th Day of the
same Month Anno Dom. 1709 being the Day of the Return of the Bill
with Court the Sheriff of Prince George County returned Robert Wilson
and Ann Mattox return to the Sheriff of the within to him Directed that
the above said Samuel Gaspee is not found in his Bailiwick but that
he has left a Copy of a Writ thereof for Copy of Claim and
affixed the same at his Dwelling — Whereupon the said Samuel
Smith by his attorney aforesaid prays that he at Mark at the Rules
hereof issued with the Sheriff in order to an Attachment to Pray Rules
against the said Samuel Gaspee for the Damages of
Reason of the premises and by way of Attachment Quashing to
Out of Effects &c — Whereupon for that it seems to the Court
here this Day and year that the said Samuel Smith
hath complained with the Law (as alleged) — Therefore it is
considered that the said Court here this Day and year that the said
Samuel Smith recover against the said Samuel Gaspee as well the
sum of Fifty three pounds Fifteen Shillings and Two pence
the Damages by occasion of the premises and as all Costs and Charges
by him the said plaintiff said out and expended above the Suit
by way of Attachment against the goods and Chattels Credits and
Effects of the said Samuel Gaspee attaching to out of effects in what
Hands made and provided —

Mandamus given to the Sheriff
of Charles County that without
for Doctor Charles Carroll was
willing to be Sheriff of Prince
George's County indictments indictments in Scandalum
Magnatum and other proceedings against a Clergyman
Henry Wharton of Charles County Gent and John Williston of
same County planter on the Queen Bailiff upon the said
Queen the said Writ in the said Court then depending that the
Reason and proceedings of all such Matters as depending and
will all things thereunto relating to the Writ of the Queen

Proceed,