194 Gri: Jno Frogg — Maryland ss — Jno Mitchell of Prince George County and
Att Jno Mitchell — was attached to an Action of Trespass upon the Case —

And whereupon on the same John Frogg by Thomas Macnamara his att
all manner complaints that he was aforetime at the Court of Kent in the County of
Anne County aforesaid in the Province of Maryland between Mitchell & Colkins of this province of
Maryland and the City of London in England of good & lawful trade and
dealing a Bill of Exchange with his own hand subscribed dated the day and year
aforesaid to a certain Peregrine Brown merchant in London residing and
negotiating directed and by the same Bill requested the same Peregrine at
Twenty days sight of such bill of Exchange his second and third of the same tenor
and date not paid) to pay to a certain John Nowder £10 Stg for value received
bill afterwards at the County aforesaid before sight thereof had by the said
Nowder by indorsement his own hand subscribed according to the custome
transferred to the said Jno Mitchell whose name John Mitchell afterwards for
value received assigned and transferred the said bill to the same John Frogg &
ordered the said £10 Stg therein mentioned (before sight thereof had by the said
Peregrine) to be paid to the same John Frogg or to the said Peregrine afterwards to wit
the 18 day of July Anno 1708 at London aforesaid to wit in Anne County aforesaid
noticed and upon the bill was duly paid £10 to the same John Frogg and the
same Jno Frogg in fact saith that the said Peregrine after staying twenty days
sight of the said bill and notice as aforesaid hitherto hath not paid the said £10
in the said bill mentioned and that for want of payment thereof by the said
Peregrine the same John Frogg the day & year last mentioned at Anne County
caused the said bill to be protested the second and third of the same tenor
(dated not paid) according to the custome aforesaid & John Mitchell &
the 18 day of Nov 1709 at Anne County aforesaid noticed and the said Jno Frogg
in fact saith that at Anne County aforesaid the value of the £10 Stg
to the said John Mitchell by reason of the said John Mitchell become by a bill
and the said £10 with all damages Interests and Costs of protest thereon accruing to
the same Frogg and the same Mitchell considering thereof promised upon sufficient
the day & year aforesaid and place last mentioned assumed upon himself to & same Frogg
then and there faithfully promised that he the said Jno Mitchell the said £10 with all
the damages Costs and Interests thereon ensuing by means of the premises would well
and truly content and pay & nevertheless the said Jno Mitchell not regarding his promise & assumption
but minding and fraudulently intending the same
Frogg in this behalf craftily and subtilly to deceive and defraud the said £10
the damages Costs and Interests thereon accruing to the same
John Frogg hath not paid (although to pay the same the said Mitchell afterwards
the 20 day of Feby 1709 at Anne County aforesaid by the same Frogg was requested) although
same to do so to pay hitherto hath denied and still doth deny to pay the said
same Frogg saith he is damnified and hath loss to the value of £20 Stg
therefore he brings suit &c — John Frogg
Clagett — Pend Rod

And the said John Mitchell by Donnell Hunt his att comes &
defends the force and injury when &c and says that the said Frogg ought not
to have his action aforesaid against him brought nor can he say that
the said Frogg ought to recover his damages by reason of the
premises aforesaid to the sum of Eleven pounds Eight Shillings Stg
(Costs)

195 Cost of Suit against him &c — Joseph Chapple Gent
by the Court here the 11 day of April Anno Dom 1710 — Jno Mitchell
Jno Mitchell as well the sum of Eleven pounds Eight Shillings Stg damages aforesaid
746 aforesaid Confessed as also the sum of Forty shillings for his Costs and Charges about the suit
of Suit by the Court here adjudged & judgment for his Costs and Charges about the suit
in this behalf laid out & expended & the defendant in mercy &c

Gri: Rip Van Dam — Maryland ss — Walter Bayne of Prince George County Gent was
Walter Bayne — attached to answer unto Rip Van Dam Merchant of a
plea of Trespass upon the Case &c

And whereupon the same Rip by Thomas Macnamara his att complains that
Walter the 26 day of Nov 1707 at Anne aforesaid County according to the custome of merchants and
usages of this province of Maryland and the City of London in England of good & lawful trade
dealing a certain bill of Exchange with his own hand subscribed dated the day & year aforesaid made
directed and by the same bill requested the said Walter at Twenty days sight of such bill of Exchange his second and third of the same tenor
to pay to a certain Tobias Dent or his order the sum of £12 Stg for value received
(dated not paid) to pay to a certain Tobias Dent or his order the sum of £12 Stg for value received
of him with bill of Exchange at the County aforesaid before sight thereof had by the said
Tobias Dent by indorsement with his own hand subscribed according to the custome of
transferred to the said Rip Van Dam who ordered the said £12 Stg to be paid to the same
Rip for value received of the said Tobias the 26 day of Feby then next following at the
of Dealing in Anne County aforesaid noticed was duly paid to the said £12 to the same
Rip and the same Rip in fact saith that the said Tobias after staying thirty days
sight of the said bill and notice as aforesaid hitherto hath not paid to the said Rip the said £12 Stg
and that for want of payment thereof by the said Tobias the said Rip at Dealing
the 26 day of Feby 1708 at Anne County aforesaid noticed the second and third of the same tenor
(dated not paid) according to the custome aforesaid & the said Rip
the said Walter the 26 day of Nov at Anne County aforesaid noticed and the said Rip
in fact saith that at Anne County aforesaid the value of the £12 Stg to the said Rip
by reason of the said Customs aforesaid Walter became chargeable to pay the said
£12 Stg and the said Customs aforesaid and the said Walter became by reason of the premises
£12 Stg and the said damages Costs and Interests thereon accruing by reason of the premises
lost to the said Rip and the said Walter in consideration thereof hitherto
promised to the said Rip and the said Walter the said £12 Stg
promised the day & year and place last mentioned assumed upon himself to the said
Rip & promised the said Walter the said £12 Stg when afterwards the said Walter
same Rip thereof faithfully did promise that he the said Walter the said £12 Stg
with all damages Costs and Interests thereon accruing and suffered or should
suffered by reason of the said £12 Stg lost to the said Rip when afterwards the said Walter
required would well & truly content Nevertheless the said Walter Bayne his
promise & assumption aforesaid not regarding but slighting and fraudulently intending
the said Rip in this behalf craftily and subtilly to deceive and defraud the said Rip
the said £12 Stg lost to the said Rip the said Walter the 29 day of Nov
said damages Costs and Interests thereon accruing hitherto hath not paid although
Rip hath not paid although to pay the said £12 Stg to the said Rip afterwards required but the said Walter
1709 at Anne County aforesaid by the said Rip was requested but the said Walter hitherto
pay the said £12 Stg hitherto hath denied and still doth deny to pay the said £12 Stg
damnified and hath loss to the value of 25 Stg and therefore he brings suit &c
plegis John Doe
Richd Roe

And the said Walter Bayne by in his own proper person comes and defends the force & injury
when &c and says that he ought not to have the said action against him brought &c
because he says that he ought not to pay the said £12 Stg to the said Rip
according to the custome of merchants aforesaid against the said Rip
and that he the said Rip ought not to recover his damages by reason of the premises
the 12 day of April Anno Dom 1710 that this Court here taking into consideration the premises
Rip Van Dam ought not to recover against the said Walter
Raynal the said £12 Stg with the sum of Fourteen pounds Eight Shillings Stg damages aforesaid in form
803 aforesaid Confessed as also the sum of
pounds of good & lawful money of Maryland by the Court here adjudged unto him for his Costs & Charges about the suit
in this behalf laid out & expended & the defendant in mercy &c