Caused to be protested the aforesaid first bill of Exchange the Second & third of the
Same Tenor & date not being paid according to the Customs of Merchants
aforesaid whereof the said Archibald Johnson the 20th day of April Anno Domi 1708
at the County of Talbot aforesaid had notice by reason whereof and of the Customs
aforesaid the aforesaid Archibald Johnson became liable to the payment of the said
Sum of thirty seven pounds ten shillings in the said first bill mentioned to
the said Edward Somerset in his Lifetime and the same Archibald in
Consideration thereof the day year and place last above mentioned
upon himself assumed and to the said Charles then & there faithfully
promised that he the said Archibald the aforesaid sum of thirty seven pounds
ten shillings sterling together with all the damages Interests & Costs by the said
Edward suffered or to be suffered by reason of the protesting of the bill aforesaid
to the said Charles when & after thereunto required would well & truly
Content & pay Nevertheless the aforesaid Archibald his promise and assumption
aforesaid not regarding but minding and fraudulently Intending the said
Charles in this part craftily & subtilly to deceive & defraud the aforesaid
of thirty seven pounds ten shillings or the Interests damages and costs of the
protest aforesaid to the said Charles altho required the 25th day of April 1709
aforesaid at the County of Talbot aforesaid hath not paid but the same to him to pay
hath Refused & still doth refuse to the damage of the said Charles Fifty
pounds sterling & in order of the admr aforesaid & therefore he brings his
Suit &c and brings into Court the Letters of admon by which he —

Plegi de Ind & Ad Rod

And the said Archibald Johnson in Custody of the Sheriff of Talbot County
Cloweth Dan Sherwood Gent & by Wm Maden his attorney Comes and
defends the force & Injury when &c & prays Leave to Imparle here —
unto until next Court & that the same day is given to the
plaintiff also —

Afterwards at said next Court Cloweth the 11th day of October Anno Domi
1709 Comes again as well the said Charles Carroll Adm of the said
Edward Somerset by his attorney aforesaid as the said Archibald Johnson
in Custody as aforesaid by his attorney aforesaid and the said Archibald Johnson in Custody
as aforesaid by his said attorney prays further Leave to Imparle thereunto
until next Court & that it & the same day is given to the plaintiff
also —

Afterwards at said next Court Cloweth the 11th day of October Anno Domi
1709 Comes again as well the said Charles Carroll Adm of the said
Edward Somerset by his attorney aforesaid as the said Archibald Johnson
by his attorney aforesaid and the said Archibald Johnson by his said attorney
as before defends the force and Injury when &c and says that he hath not
assumed upon himself in Manner & Form as the plaintiff above
against him hath Complained and thereof for Trial puts himself
upon the Country — and the plaintiff also —

Whereupon for trying the Issue aforesaid Command is given to the Sheriff
of Talbot County that he Cause to Come before the Justices of the Prov Court
at the City of Annapolis the second Tuesday of July next ensuing
or before the Justices appointed to take the Assizes in his County if they
shall before that time Cloweth on Monday the twenty second day of
May next Come to the County Court house in his County twelve good

(and)

and Lawfull men of his bailywick by whome &c who neither &c to Recognize &c
because as well &c —

Afterwards the process continued between the parties aforesaid upon the plea aforesaid by
the Jury being put thereon in Respect thereunto till the second Tuesday of this
next unless the Justices of our Lady the Queen to take the Assizes in the County
aforesaid assigned on Monday the twenty second day of May next at the said County
Court house in the said County should come &c —

At which said second Tuesday of July to wit the 11th day of the same month
Anno Domi 1710 before the Honble Justices of the prov Court at the City
of Annapolis in Annarundell County Comes as well the said Charles
Carroll Adm of the said Edward Somerset as the said Archibald Johnson by
their attorneys aforesaid and the Justices of Assize before whome &c sent here
their Record before them clad in the Hebrew Vel —

Afterwards the day & place within Contained before Thomas Smith
& Philemon Lloyd Esqrs two of the honbl Justices of the prov Court of this province
assigned to hold the plea of the Same Court being also assigned to take the
Assizes in Talbot County &c came as well the within named Charles Carroll
adm of the within named Edward Somerset as the within written Archibald
Johnson by their attorneys within Contained & the Jurors of the Jury whereof
within is made mention being impannelled & sworn & called Came to wit
Thomas Martin George Haddaway Nicholas Lurkey Joshua Atkins Henry
Wharton, Andrew Hunnimont, Edgar Webb Thomas Browne John Bradshaw
Richard Arrington, Joseph Hopkins, Oliver Mullington who to speake the truth
Concerning the within Contained, say upon their Oaths that the said Archi:
-bald Johnson hath not assumed upon himself in Manner & Form as the
plaintiff within against him hath Complained — Therefore it is considered
by the Justices here the 11th day of July Anno Domi 1710 & that the said Charles
Carroll Adm of the said Edward Somerset take nothing by his writt &c but be in
mercy for his false Clamour & that the said Archibald Johnson go thereof —
without day &c —

Prov Court April Term 1710 ss

Queen Anns County ss: Be it

Remembered that heretofore to wit the
1st day of July in the Eighth year of the
Reigne of our Soveraigne Lady the Queen that
now is &c Anno Domi 1709 Lenalus Smith & Anthony
Joy of Queen Anns County Gent Executors of the last
will and testament of Robert Smith late of Talbot County
Esqr deceased were attached to answer unto Benjamin Gray
and Comp of a plea of Trespass upon the Case &c

Whereupon the same Benjamin & Comp by Richard Bellam their
attorney Complained that whereas the said Robert Smith in his Lifetime
to wit the 12th day of July Anno Domi 1705 at Chester River in
County according to the Customs used among merchants and others made

(and)

B: RD: Benj Wayand Comp

vs

Lenalus Smith & Anthony Joy Exs of Robert Smith Exr