found in his Early merchandising should safe keeping so that he might
have his body before the Justices of Her Majtys prov: Court to be held at
Annapolis the second Wednesday of April then next to answer unto John
Frogg Mercht of a plea of the Case on ye Case &c
at the said Second Wednesday of April (to wit) the 11th day of the same month
Anno Domi 1710 being the day of the return of the said writt Comes as well
the said John Frogg by Worthle Hunt his attorney as the sheriff of said
County (to wit) Josiah Wilson Gent who makes return of the Court here
of this aforegoing writt to him directed that by virtue thereof he has
taken the body of the said Gabriell Burnham & has him here ready &c
Whereupon the said Gabriell Burnham being called appears — and thereu-
-pon the said Gabriell Burnham at the prayer of the plaintiffs
adjudged to give Speciall Bayle to the action aforesaid but forasmuch thereof he
committed unto the Custody of the said Josiah Wilson sheriffe to remain
until &c Whereupon the said Fred being present by his deputy lock
charge of the said Gabriell acknowledging ye &c and thereupon the said John
Frogg by his attorney aforesaid declared against the said Gabriell Burnham in
Custody as aforesaid as follows Viz:

Annarundell County ss — Gabriel Burnham Senr of Prince George's County
plaintiff was attached to answer unto John Frogg Mercht
of a plea of Trespass on the Case &c

And Whereupon the same Johnsby Worrell Hunt his attorney Complaines
that whereas the aforesaid Gabriel the third day of December Anno Domini 1709 at
the County of Annarundell aforesaid according to the Custome between Merchants &
others of this the province of Maryland and the City of London in
England drew made and drew his second bill of Exchange with his
proper hand subscribed bearing date the day year aforesaid to a certaine Timothy
Hollyfar & Company Merchts in London residing & negotiating directed &
by the same bill requested the said Timothy & Company at thirty days
sight of such bill of Exchange his first or third of the same tenor & date not
being paid to pay to ye aforesaid John Frogg or his order the summe of fifteen
pounds two shillings & sixpence sterling for value received whereof the aforesaid Timothy
& Company afterwards on the twelfth day of October Anno Domini 1708 at
London aforesaid had notice & then & there were requested to pay the said summe
of fifteen pounds two shillings & sixpence to the order of the aforesaid John Frogg & the
aforesaid John in fact says that the aforesaid Timothy & Co after thirty days sight
of the aforesaid bill and notice as aforesaid hitherto have not paid to the aforesaid John
Frogg or his order the aforesaid summe of fifteen pounds two shillings & sixpence
sterling and that forasmuch of payment thereof the aforesaid John Frogg after
thirty days sight of the aforesaid bill by the aforesaid Timothy & Company on the
aforesaid 12th day of October in the year 1708 aforesaid at London aforesaid protested or
caused to be protested the aforesaid second bill of Exchange the first & third of
the same tenor & date not being paid according to the Custome of
(Merchts)

Merchants aforesaid whereof the said Gabriel the fifth day of July 1709 at the County
of Annarundell aforesaid had notice & in consideration whereof & of the Customes
the aforesaid day & the day year & place last above mentioned upon himself
assumed to the said John Frogg then & there faithfully promised that he
the said Gabriel the said summe of fifteen pounds two shillings & sixpence sterling
together with all the damages interests & costs by the said John suffered or to
be suffered by reason of the protesting of the bill aforesaid to the said John within
after thereunto required would well & truly content & pay or well & sufficiently
the said Gabriel his promise and assumption aforesaid not regarding but
mindeing & fraudulently intending the same John Frogg in this parte
craftily & subtilly to deceive & defraud the aforesaid summe of fifteen pounds two
shillings & sixpence sterling the interests damages and costs of the protest aforesaid or
any parte thereof to the said John at the time required the twelfth day of July 1709 aforesaid
at the County of Annarundell aforesaid hath not paid but the same & every parte thereof to pay
hath refused & still doth refuse to the damage of the said John thirty pounds
sterling & therefore he brings his suit &c: pledges &c John Doe & Richard Roe

And the said Gabriel in Custody &c by Richard Dallam his attorney Comes & defends
the force & injury when &c & prays leave to imparle to the plaintiffs bill &c Which said
Court hath leave it & the same day is given to the plaintiffs bill &c
Whereupon the 4th day of July Anno Domini 1710 Comes again the said
John Frogg by his attorney aforesaid & prays that the said Gabriel Burnham in
Custody &c be bound to his declaration aforesaid — Whereupon Richard Dallam
attorney for the said Gabriel Burnham in Custody &c aforesaid defends the
force & injury when &c & says that he is not informed by the said Gabriel in Custo-
dy &c aforesaid that he ought of any thing to plead in bar or avoidance of the action
aforesaid and further the same saith nothing whereby the said plaintiff ought to
the said defendant wholly undefended — Therefore it is considered by the justices
here that the day year & place last mentioned that the said John Frogg recover of the
said Gabriel Burnham in Custody &c aforesaid as well the summe of eighteen pounds
thirteen shillings for his damages by occasion of the protesting aforesaid also the summe
of 958 pounds of Tobacco by the Court
here adjudged unto him for his costs & charges by him about his suit in this
behalf laid out & expended & the said defendant in Mercy &c

Rd: James Duke of Maryland Ptff
vs
John Young Calvt Co: — William Young late of Calvt City plaintiff was
attached to answer unto James Duke of a plea
of trespass on the Case &c

And Whereupon the same James by Rd Dallam his attorney Com-
plaines that whereas the aforesaid John the first day of June Anno Domini 1708
at the County of Calvt aforesaid according to the Custome between Merchants
and others of this the province of Maryland and the City of London in
(England)