year of the Reigne of our Soveraigne Lady Queen Anne &c Annoq Domi 1704
Entituled an act providing what shall be good Evidence to prove
fforeigne and other debts and to prevent vexations and unnecessary
Suits at Law and pleading Incidents in Barr thereamongst & other
things therein and thereby Enacted that no person whatsoever
residing or Traducing in or to this province their Exr. admr. and agents factors
or assignes shall for any Summe or Summes of Tobacco or money due or
owing to him by account upon booke or otherwise (and soe the debtor
hath not past his hand and Seale to such his Creditors) sue and implead
such Debtor his Exr. or admr. in any Court of Record in this province unless
he shall first demand and require the sattisfaction of such Debt his proper ffactor
or otherwise at the habitacion or place of Residence of the said debtor
in this County where he shall Dwell to prove the Demand the Creditors or
demandants oath shall be sufficient if the debtor be not at home to
be spoken with then such demandant shall leave a note under the hand
of such Creditor or demandant to those he shall Impower to receive the
same what time and to whome the same shall be paid and if thereupon
the same be not paid accordingly then it shall and may be lawfull
for such Creditor to sue & implead such his debtor and recover against
him all such Costs and damages as upon legall tryall in any Court
of this province having Cognizance of the cause shall be adjudged
as before the making of the said act and by the same act sufficiently
in ffull force and vigor is more fully and at Large dell & may
appear and for that the debt aforesaid sued for and claimed by the said Charles
by the said deed: appears a debt for wch the said Wm. hath not past his
hand & seale and the said Wm. being a Resident within this province at
the time of the assumpsit aforesaid by him supposed to be made the said Charles
(being at Anne Arundell County aforesaid) ever since & still
inhabitting and resideing and the said Charles not any time before
this Impleading of him the said Wm. did not demand the debt aforesaid of him
the said Wm according to the Tenor and effect of the said act of
Assembly wch. he was ready to verifie and thereupon demands Judgment
whether the said Charles his action aforesaid against him to have and maintain
ought &c. And the said Charles saith that by any thing prealledged he
ought not to be barred from having and maintaining his said action aforesaid
because he saith that before the time of the bringing the action aforesaid he
did demand the debt aforesaid of the said Wm as above declared against him
and that he prays may be Inquired of by the County. And the said Wm
likewise. Whereupon for trying the issue aforesaid Commanding was
to the Sheriff of Anne Arundell County that he Cause to come before the Justices of
this prov^cial Court at the City of Annapolis the second tuesday of October
next Ensueing or before the Justices appointed to take the Assizes in the
County of Kent to the County Court house in the County twelve
good and Lawfull men of his bailywick by whome &c. to the truth of the
to recognize &c because as well &c. afterwards the prosecutors and the
between the parties aforesaid on the plea aforesaid by the Jury being put thereon
in respect thereof until the second tuesday in October next until &c.
The Justices of our Lady the Queen to take the Assizes in the County
aforesaid assigned on thursday the seventh day of Sept. next at the said County
Court house in the said County should come — at which said —

(Second)

Octobr Court 1710

second tuesday of October to wit the 10th day of October Anno Domi 1710
Comes as well the said Charles Carroll by his attorney aforesaid as the said Wm Young
in Custody as aforesaid by his attorney aforesaid and the said Wm Young
Whereupon the said Wm Young in Custody as aforesaid by his attorney aforesaid rolling in his
his Vnjustifiable aforesaid in bar pleaded saith that he did not Gainsay the
accionall of the said Charles, nor but that he indebted the said Charles, and the
same was ready to pay the said Charles at his made the promise and assumption aforesaid and was
required to pay the same in manner and form as the said Charles above against him
hath declared and Release of the Tresspass pleading this plea at the aforesaid
Therefore it is Considered by the Justices here the 10th day of October aforesaid that the said
Charles Carroll Recover against the said Wm Young in Custody as aforesaid well the damages
thirty pounds flow his damages by occasion of the premises aforesaid as also the
pounds of Tobacco by the Court here adjudged
1302 funds of
id into him for his Costs & Charges about his suit in this behalf laid out
& expended & the defendant in Mercy

July Term 1710 ff:

Mr: John Taylor & Wm Allen } Prov^cial Court
Mr: David Macklefrish } Annap^lis County ss. Be it Remembered

that alias order of the Reigne of our Soveraigne Lady the Queen that
now is the Anno Domi 1710 David Macklefrish of Annapolis in the County
In Order was attached to answer unto the Worshipfull Wm Allen and Charles
of a plea of trespass upon the Case — And therupon the said John
Wm by Thomas Macnomara their attorney Complain that whereas a certain
Christian Bounsicad of Talbot County the 8th day of September in the year of our
Lord God 1708 at Annapolis according to the Custom between merchants and Traders
of this province and the City of London in England of old used made and drew his
first bill of Exchange with this proper hand subscribed bearing date the day
year aforesaid to a certain John Hyde Merchant in London residing and negotiating
directed and by the same bill requested the said John at Twenty days sight of the
bill of Exchange the second third and fourth of the same tenor and date not paid to pay
to the said David or his order the sum of 35-7-8 stg for value received of the but
afterwards to wit the same day & year and before sight thereof the said by the
said John Hyde the said David according to the Custom of Merchants by his indorsement in
his proper hand subscribed transferred the same to the said John Taylor & Wm Allen
& then and ordered the said 35-7-8 stg to be paid to the said John Taylor & Wm Allen
action or their order for value received of them by the said David whereof the said John
Hyde afterwards on the 14th day of May Anno Domi 1709 at London aforesaid
Annarundell County had notice and then and there was requested to pay the said
sum of 35-7-8 stg to the said John & Wm and the same John & Wm in fact say
that the said John Hyde after not twenty days sight of the said bill of Exchange and notice as aforesaid
hitherto has not paid to the said John and Wm or their order the said 35-7-8 stg
and the said John & Wm say that of payment of the same by the said John Hyde the same
John Taylor & Wm Allen after not the said John Hyde had twenty days sight
thereof and the 14th day of May aforesaid in the year 1709 aforesaid at London aforesaid
in Annarundell County aforesaid caused to be protested the said first bill of Exchange
second third fourth of the same tenor and date not paid according to the Custom
of Merchants aforesaid of which the said David the 20th day of October aforesaid
follows had notice and the same John and Wm further in fact say that the
said David in Consideration of the premises and the said Customs aforesaid upon him
the said John and Wm faithfully
did promise the said sum assumed upon himself and to the said John and Wm
(the second third and
fourth aforesaid not paid) that then he the said David the said 35-7-8 stg and all damages
of protest thereon accruing unto the said John and Wm when afterwards he
should be required would well & truly Content and pay — Nevertheless the said
David his promise and assumption aforesaid little regarding but plotting and fraudulently
intending the said John and Wm in that behalf craftily and subtilly to
(deceive)