June Ct 1708

To Mr Robert Dunckley aforesd & demanding payment of his Contents he answered that he would not pay the said Bill for want of Effects Whereupon he the said Notary sent the request aforesd & did solemnly protest (according to the Law of Merchants) as well against the Drawer of the said Bill & all others whom it doth or may Concern for Exchange & Retrocession Damages & Interest Suffered & to be Suffered for want of payment of the said Bill thus protested, as by the said Original Bill of Exchange Protest & Copy of said Bill by the said Notary & all there in Court ready to be produced may more at Large appeare w.ch said Original or first bill of Exchange being duly & not paid together w.th the Twenty per Cent here allow.ed by vertue of an Act of Assembly now in force in this Province of Maryland a bouts Amounts to the Summe of thirty & six pounds Sterling & for want of Acceptance & payment of the said first bill of Exchange Ancestor hath Accrued unto the said Benjamin & Company Since the death of the said Robert Smith to require & have from them the said Renatus & Anthony &c. as aforesd of the said Robert Smith the aforesd Summe of thirty & six pounds Ster & Nevertheless the aforesd Renatus nor Anthony nor either of them in their Capacity aforesd Since the Death of the said Robert Smith Letters Testamentary to them in due form of Law granted, And returned of the said Original first Bill of Exchange protested in manner & form aforesd unto the said Benjamin &c. & aforesd of a foresd Summe of thirty & six pounds Ster & according to the tenor of the said Bill & Act of Assembly aforesd have not paid nor for the Same in any wise given Content Altho upon the first day of May Anno Domi 1708 att Kent County & within the Jurisdiction aforesd & often Since by the said Benjamin &c. they have been required but the Same to them to pay have denyed & as yet do denye & gainsay to the Damage of them the said Benjamin &c. of Fifty pounds Ster & and of this they bring Suit &c.

Philipson pro Quer Pledges de Prosq. Jn Doe Richd Roe

AND the said Defts by Richard Hunter their Attorney Comes & defend the force and Injury when &c. and Saith the Decl.n of the said pltfs & the matter in the Same Contained is Insufficient in Law to Cause them the said Defts to make Answer thereto & that they need not nor by the Law of the Land are they bound to make Answer to that Decl.n And therefore for want of a good & Sufficient Decl.n of the said Pltfs & Sufficient matter form and Certainty in the Same to be Contained they the said Defts Demurr in Law and for Cause of Demurr shew the Reason

1st Reason The said pltfs in their Decl.n say from several bills of Exchange &c. as by the said Decl.n of land & Contents whereof are as follows viz. by the first of the aforesd four bills of Exchange he did require the said Robert Twenty days after Sight of that his first of Exchange his Second third & fourth of the Same date not paid to pay unto m.r Benjamin Way & Company of London Merchants aforesd or order the Summe of thirty pounds

Then