

Liber M M hath losse to the Value of Seven thousand pounds of tobacco and thereupon he bringeth his Suite

And the aforesaid William by Robert Carvile his Attorney cometh and defendeth the force and injury aforesaid when &c and Saith that the aforesaid Richard Ought not to have his action aforesaid against him because he Saith that he doth well avow the takeing and deteining of the Said two Cowes, two calves two heifers and One bull for that long before the Said 24th day of December in the declaration aforesaid mentioned On which day the Said Richard by his declaration aforesaid alleadgeth the Said William the Said cattle tooke and detained One Mathew Smith was of the Said Cattle as of his Owne proper Cattle possessed and being so possessed he the said Mathew Smith for a Valuable Consideration, to him paid by the Said William King did upon the 5th day of October in the yeare of Our Lord One thousand Six hundred Seventy three bargaine and Sell unto the Said William the Said two cowes two calves two heifers and One bull and did also at Harvey-Towne in Calvert County give and deliver the possession of the Said Cattle to him the said William and the Said Mathew did also in confirmation of the said bargaine and Sale by his writeing under his hand and Seale beareing date the ninth day of October 1673 absolutely give grant bargaine and Sell assigne and Sett Over the Said Cattle to him the said William to hold to him the said William his heirs and assignes for ever by which the Said W^m was of the Said Cattle So possessed as of his Own proper right and the Same as his proper goods and cattle did take and deteine as it was lawfull for him to doe and this he is ready to averr and thereupon he prayes judgm^t whether the Said Richard Bayly Ought to have his action aforesaid against him and that the Said Cattle may be returned to him &c.

And the Said Richard Saith that the said William for the reasons aforesaid for the takeing the cattle aforesaid in the aforesaid place in which &c ought not justly to avow because he Saith that long before the Said fifth day of October in the yeare aforesaid the time Supposed the Said William to have bought the Said Cattle the Said Mathew Smith to wit the fiftenth day of August in the yeare aforesaid did for the Summe of three thousand pounds of tobacco Sell and actually deliver the Said Cattle to him the Said Richard to remaine the proper goods and chattels of him the said Richard and did afterwards to wit the 25th day of Novem 1673 confirme and warrant the Same to the Said Richard by a good and lawfull Bill of Sale upon penalty of foure thousand pounds of tobacco and of this
p. 175 he putts himselfe upon the Country and the def^t likewise therefore it is Comāded the Sheriff of S^t Maries County that imēdiately he cause to come here twelve &c.

At which day to witt the Sixtenth day of April came aswell the sayd W^m King by Robert Carvile his Attorney as the jurors of that