

November Court 1762 192

And Whereupon the said Samuel by William Hayward his Attorney complains that whereas the said Samuel on the Day of _____ in the Year of our Lord one thousand seven hundred and _____ at Somerset County of _____ delivered unto the af. Daniel the af. Negro man slave called Cassar of the price of one hundred pounds current money of Maryland to be safely kept and to the same Samuel when thereof afterwards he should be required to be redelivered whereby action did accrew unto the same Samuel to demand and have from the said Daniel the Negro man slave Cassar of the price of the price of _____ Nevertheless the af. Daniel tho often required the Negro man slave called Cassar of the price of _____ unto the said Samuel hath not redelivered but the same unto him the said Samuel to redeliver hath altogether refused and Denied; still both refuse and deny wherefore the said Samuel says he is worse; hath damage to the value of one hundred pounds current money of Maryland and therefore brings suit; so forth _____

And hereupon the af. Daniel Cullen by his attorney af. comes and repays the force and injury when he. and prays leave thereof to Impartle here until next court to be held at princeps Ann Town the third tuesday of March then next following and he hath it and the same day is given to the af. Samuel Miles here also &c.

All which day here came as well the af. Samuel Miles as the af. Daniel Cullen by their Attorneys af. and here upon the af. Daniel prays further leave thereof to Impartle here until next court to be held at princeps Ann Town the third tuesday of June then next following and he hath it; the same day is given to the af. Samuel here also &c.

All which day here came as well the af. Samuel Miles as the af. Daniel Cullen by their Attorneys af. and here upon the af. Daniel prays further leave thereof to Impartle here until next court to be held at princeps Ann Town the third tuesday of August then next following and he hath it; the same day is given to the af. Samuel here also &c.

All which day here came as well the af. Samuel Miles as the af. Daniel Cullen by their Attorneys af. and here upon the af. Daniel prays further leave thereof to Impartle here until next court to be held at princeps Ann Town the third tuesday of Novber then next following and he hath it; the same day is given to the af. Samuel here also &c.

All which day here came as well the af. Samuel Miles as the af. Daniel Cullen by their Attorneys af. and here upon the af. Daniel as before defends the force and injury when he. and saith that he is not guilty of the premises as the af. Samuel Miles above in his declaration hath alleged against him and of this he puts himself upon the country and so forth. _____ And the said Daniel by leave of the court here and by force of the statute in that case made and provided further saith that he the said Samuel his action af. against him to have and maintain ought not because he says that at any time within three years next before the Impetration of the original writ of him the said Samuel in this cause no cause of action did accrew to the said Samuel against the said Daniel by means of the premises in the Declaration mentioned and this he is ready to verify wherefore he prays Judgement if the said Samuel his action af. thereof against him to have and maintain ought and so forth.

And hereupon the said Samuel Miles then and there his writ & dec. af. against the af. Daniel Cullen did not prosecute with Effect but voluntarily suffered his suit to be discontinued. Therefore it is considered by the court here that the af. Samuel Miles take nothing by his writ and declaration of but that he adds his pledges of prosecuting to wit John Doe, Richard Roe are in mercy and that the af. Daniel Cullen go thereof without day and further it is considered that the af. Daniel Cullen recover against the af. Samuel Miles _____ pounds of Tobacco for his costs and charges by him about his defence in this part sustained to the same Daniel Cullen by the court now here according to the form of the statute in such case lately made and provided adjudged and that the same Daniel have thereof execution &c.

LD Stephen Bounds Comand was given unto the sheriff of Somerset county that he should take Joshua Taylor late of Somerset county planter if he should be found in his Bailwick and him should safe keep that he might have his body before the Justice of his Lordships county court of Somerset to be held at princeps Ann Town the third tuesday of June Anno Domini one thousand seven hundred sixty and one to answer unto Stephen Bounds of a plea of Trespass upon the case and so forth; the same day is given to the af. Stephen here &c.

All which day here came the af. Stephen Bounds by Littleton Dennis his Attorney and the sheriff to wit John Dennis now here returned that he had taken the af. Joshua Taylor whose body here at this day he had ready answer the af. Stephen Bounds of the af. plea as to him it was commanded. _____ Thereupon the af. Joshua Taylor at the prayer of the af. Stephen Bounds is adjudged to give special Bail to the action af. _____ Whereupon a certain Nathan Culbert present here in court in his proper person undertook for the said Joshua Taylor and assumed upon himself that if it should happen that Judgement in the plea af. should be rendered for the said Stephen Bounds against the af. Joshua Taylor or that

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