

August Court 1760 — 45 —

Whereupon the said Burnell Newbold at the Prayer of the said Nicholas M'cubbin is  
Adjudged to Give Special Bail to the Action aforesaid Thereupon certain Charles Cottingham  
of Somerset County Planter Present herein Court in his Propriety undertook for  
The said Thomas Newbold that if it should happen that Judgment in the plea aforesaid  
Should be rendered for the said <sup>Nicholas M'cubbin</sup> Burnell Newbold against the aforesaid Burnell  
Newbold or that he the said Burnell should be therein Convict that then he  
The said Burnell should pay and satisfy unto the aforesaid Nicholas the  
Judgment of the Court Thereupon or Render his Body in Execution of such  
Judgment to the Prison of the Sheriff of the County aforesaid in Satisfaction  
Thereof or that he the said Charles Cottingham will do the same for him

Whereupon the said Burnell Newbold Put in his name William Hayward  
Gentleman Attorney at Law against the aforesaid Nicholas M'cubbin in the aforesaid  
And thereupon at the Prayer of the Parties aforesaid is to them here now given  
until next Court to be held at Prince Georges Town the third Tuesday of August  
then next following in the State that now standing to the Parties aforesaid  
At which day here came the Parties aforesaid by their Attys aforesaid and thereupon  
the said Nicholas M'cubbin Detained against the said Burnell Newbold in  
the plea aforesaid in form following

I Somersds Burnell Newbold Sale of Somerset County Mariner otherwise called  
I Burnell Newbold of Somerset County in the Province of a Planter was summoned  
to Answer unto Nicholas M'cubbin of a plea that he Render him the full and just  
Sum of fifty Six Pounds and Eight Pence current money of Maryland which to  
him he owes and unjustly Detains and so forth

And thereupon the said Nicholas by Littleton Dennis his Attys says that  
Whereas the said Burnell the xx day of June Anno Domini 1758 at  
Somerset County aforesaid by his certain Writing Obligatory which he the said  
Nicholas with the seal of the said Burnell sealed he unto the Court shews  
Whose date is the same day & Year aforesaid Acknowledged himself to be held

And firmly bound unto the said Nicholas in the aforesaid Sum of Fifty Six  
Pounds & Eight Pence current Money aforesaid to be paid to the said  
Nicholas when he the aforesaid Burnell should be thereto afterwards required  
Nevertheless the said Burnell tho often required the aforesaid Sum of Money aforesaid  
to the said Nicholas hath not rendered but the same to him to render  
hitherto altogether hath denied till doth deny unjustly Detain thereupon  
the said Nicholas says he is worse and hath Damages to the Value of fifty  
Six Pounds Eight Pence current Money of Maryland and thereof being  
Owed by  
Eldgew & John Doe & Richard Roe

At which day here came answer of Nicholas M'cubbin aforesaid of Burnell Newbold  
by their Attys aforesaid and thereupon the said Burnell Newbold says that he  
and injury therein and saith that he cannot deny the action aforesaid of the aforesaid  
Nicholas