

June Court --- 1725 --- 29

By Ann Layfield } Somersetts: William Cottman late of Somerset County planter was summoned to
of } answer unto Ann Layfield of agra that he tender unto her five hundred pounds
of } of tobacco which to her he owes and unjustly detames & ———

And whereupon the same Ann by Leon Gale her attorney, saith that whereas by a certain act
of assembly begun and held at Annapolis the twenty sixth day of April one thousand seven hundred &
fifteen amongst other things therein contained it stands enacted, by the authority of the said assembly
that whenever any horse mare or gelding shall break into any farm field or other Inclosure and
the Owner be not known that then and in all such cases it shall and may be Lawfull for the party
Grieved, to take up such horse mare or gelding so trespassing and the same to carry before the Next
Magistrate, who shall be Obliged to take up any of the Markes of such beasts both Natural and
Artificial which the persons aggrieved shall set up in the most publick places in the same
County and unless the Owner shall be known, it shall and may be Lawfull for such Injured person
to Use and Employ such horses mares and geldings without Incurring the penalty in this act herein
after Imposed for Injuring such beast by any forceful or Willfull Means which beast shall be deli-
vered in good Order to the person Owning the same proving his property by the testimony of one
Witness before any Magistrate and it stands further Enacted by the Authority of the same assembly
in the same Session aforesaid and also the same act that who soever shall unlawfully and without the Know-
ledge of the Owner take another Mans horse mare or gelding and the same keep one hour in his
possession aforesaid and the Owner not known, and such horse mare or gelding be found trespassing
as aforesaid and the Owner not known, and such horse mare or gelding shall without consent aforesaid
employ in any Labour or travel shall not only pay damages to the party Owner but shall forfeit and pay
the sum of five hundred pounds of tobacco One half to the Informer the Other half to the party Grieved
to be recovered in any County Court of this province by Action of Debt bill plaint or Information
wherein the Offense protection or wayer of Law to be allowed and the same Ann in fact saith that
William Cottman the tenth day of September Seventeen hundred and twenty four at the County of Wilkes
in the Jurisdiction of this Court One mare of the price of ten pounds current money of this province the
proper mare of her the same Ann then and there being found, then and there did take without the
consent of the same Ann, and also without the consent of the same Ann then and there in his possession
keep and carry in travel one hour, by which Action hath accrued to the same Ann to have
and receive of the same William the aforesaid sum of five hundred pounds of tobacco Nevertheless the
aforesaid William Altho' often there to required the aforesaid sum of five hundred pounds of tobacco or any
part thereof to the same Ann hath not Rendered but the same William the same Warrants, to,
(the)