September Term 1723 ffo.

Ann Arundell County ffs. Be it Remembred that

Dd Anthony Ruly
vs
Ex Ds William Cumming & Edward Smith
adm.rs John Davison . . . . . .

What here to fore to wit the Eleventh day of September Anno Dom: 1723 being the Seventh year of the Dominion of the Lord Propry & Wm Cumming Gent and Edward Smith adm.rs John Davison late of Annapolis Chirurgeon deced was attached to answer unto Anthony Ruley of a plea of Trespass upon the Case.

And Whereupon the said Anthony by Dan.l Dulany his attorney Complains that whereas the said John Davison in his life time the last day of April Anno Dom: Seventeen hundred & twenty at Ann Arundell County was Indebted to the said Anthony in fifteen pounds Sterl.g for a Negro boy by the said Anthony to the said John in his life time before then sold and Delivered and in the Sum of twenty three pounds sterling for the hire Sum by the said John in his life time to the use of the said Anthony before then had and received and being so there of Indebted the said John in his life time the said Severall Sums Amounting to thirty eight pounds Sterl.g to the said Anthony when thereunto requested would well and truly Content and pay yet the said John in his life time and the said Wm and Edward Since his Death to whom adm.r instration of all and Singular the goods & Chattels rights and Credits which were of the said John at the time of his Death in due form of Law was Committed at Ann Arundell County the promise and Assumption aff.d by the said Jn.o Davison in his life time in form aff.d made not regarding but mind ing and fraudulently Intending him the said Anthony in this part Crafftily and Subtilly to deceive and Defraud the said Sevrall Sums Amounting in the whole to thirty Eight pounds Sterl.g the said John Davison in his life time to the said Anthony altho often thereunto requested at Ann Arundell County aff.d did not Content or pay nor the said Wm and Edward Since the death of the said John altho the said Wm and Edward after the death of the said John to wit the tenth day of April Anno Dom: Seventeen hundred and twenty two at Ann.l County aff.d and often afterwards by the said Anthony were requested to Content and pay the same but the same to the said Anthony to Content or pay the said John in his life time and the said Wm and Edward Since his Death hath refused and the said Wm and Edward to Content or pay the same still refuse whereby the said Anthony saith he is the worse and hath Damage to the value of Sixty pounds Sterl.g and therefore he brings this Suit &c.

Pledges &c. John Doe & Richard Roe

And the said William Cumming and Edward Smith adm.rs as aff.d by Thos. Bordley their attorney Come and defend the force and Injury when &c and pray Leave to Imparle hereunto until next Court and they have it and the same day is given to the plff. also

At which said next Court to wit the 9th day of April Anno Dom: 1723 Comes again as well the said Anthony Ruly by his attorney aff.d as the said William Cumming & Edward Smith adm.rs as aff.d by their said attorney pray further leave to Imparle hereunto until next Court and they have it and the same day is given to the plff. also

At which said next Court to wit the 10th day of Sept.r Anno Dom: 1723 Comes again as well the said Anthony Ruly by his attorney aff.d as the said William Cumming Surviving adm.r of the said John Davison deced the aff.d Edward Smith the Other administrator being Since the last Continuance here of deced by his attorney aforesaid and the said William Cumming Surviving adm.r as aff.d by his said attorney as before Defends the

(Force)

and Injury & And says that the aff.d John Davison in his life time did not Assume upon him self in Manner and form as the said Anthony Ruly above against him hath Declared and of this he the said William puts himself upon the Country. And the said Anthony likewise.

Whereupon for trying the Issue aff.d Command is given to the Shff of Ann.l County that he Cause to Come before the Justices of the Prov: Court at Annapolis the third Tuesday of May next a Jury of the Vicinage Qualified to serve on Juries in the County aff.d to Serve upon the Jury of the said Plaintiff and Defendant to Take the Assises in the County aff.d Assigned to Take the Assises in his County if they shall before that time to wit on Monday the 15th day of April next Come to the County Court house in the County to Give good and Lawfull men of his bailywick by whom & who Neither &c to recognize &c because as well &c.

Afterwards the Process Continued between the Parties aff.d on the plea aff.d by the Jury being put thereon in respect hereunto until the third Tuesday of May next Unless the Justices of his Lordship the Lord Propry to take the Assises in the County aff.d Assigned on Monday the 15th day of April next at the said County Court house in the said County should come.

And now here at this day to wit the 19th day of May Anno Dom: 1724 Come again into his Lordships Prov: Court here as well the said Anthony Ruly by his Attorney aff.d as the said William Cumming Surviving adm.r as aff.d by his Attorney aff.d But the said Sheriff hath not sent his writ. Yet Notwithstanding the said William Cumming Surviving adm.r as aff.d by his Attorney aff.d Relinquishing his Averment aff.d by him above pleaded as before Defends the force and Injury when &c and saith that he Cannot Gainsay the plff. his Action aff.d as aff.d against him brought nor Can he say but that the said Plaintiff Ought to recover his Damages by Occasion of the premisses aff.d besides his Costs & Charges by him about his Suit in this behalf Laid out and Expended to the Sum of thirty Eight pounds Current Money to be levied of the goods and Chattels which were of the said John Davison at the time of his Death in the hands of the said William Cumming Surviving adm.r as aff.d remaining to be administred &c which the plff. does not gainsay.

Therefore it is Considered by the Justices here the 19th day of May Anno Dom: 1724 aff.d that the said Anthony Ruly recover against the said William Cumming Surviving adm.r as aff.d as well the Sum of thirty Eight pounds Current Money his Damages aff.d in form aff.d Confessed as also the Sum of

964 pounds of Tobacco by the Court here Adjudged unto him for his Costs and Charges by him about his Suit in this behalf Laid Out and Expended to be levied of the Goods and Chattels which were of the said John Davison at the time of his Death in the hands of the said Wm Cumming Surviving adm.r as aff.d remaining to be administred if so much there of in his hands he hath &c and if so much there of in his hands he hath not then the Costs of Suit aff.d to be levied of the proper goods and Chattels of the said William Cumming and the Defendant in Mercy &c.

Mem.d the plff. release out of the above Judgment twenty pounds Current Money - -

Ds Patrick Simpson
vs
Ds William Young . . . .

Maryland ffs. William Young late of Calvert County Gent was attached to answer unto Patrick Simpson of a plea of Trespass upon the Case &c

And Whereupon the said Patrick Simpson by Thomas Bordley his attorney Complains that whereas the said Wm Young on the twenty fifth day of January anno Dom: Seventeen hundred and twenty at Calvert County the same Wm Young there & there Negotiating and using Commerce made and with his proper hand and name Subscribed his Certain Great Bill of Exchange in writing according to the use and Custome of Merchants from the time whereof the memory of men is Not to the Contrary used and approved

(Coming)