his Act & Doth Not he the said Wm Cumming further Saith that he hath an Account of his own against the said James Boyd which hath been Dues unto him Since the passing the said Bond & before the Assignment thereof made to the said Peter Mugg to wit on the Sixth Day of May Anno Domini Seventeen hundred & twenty Seven at St Marys County aforesaid amounting to the Sum of five thousand Seven hundred & fifty two pounds of Tobacco as per the Account inclosed may appear being for Sundry things as by properly in an Account as by the particular Account here into Court brought may appear Which Sum of five thousand Seven hundred and fifty two pounds of Tobacco the said Deft prays may be discounted out of the aforesaid principall Sum and interest thereupon due in the Declaration aforementioned according to the form of the Act of Assembly in that Case made & provided Wherefore he prays Judgment if the said Peter Mugg Assignee aforesaid his Action aforesaid against him to have ought &c

Which Account mentioned in the aforegoing plea follows in these Words bis

Dr Peter Mugg Assignee of Jas Boyd to Wm Cumming

			Cr
To St Ma Co for a Negro Jammett Young	100	By my bond prinl	5389
To paid Capn Richard Hopewell	690	By Ballce	363
To 10 hds received of Wm Read at Jas Thompsons	1419		5752
To tobacco paid you at James Browns	590		
To my acceptance of your Order to Wm Francis Lloyd	008		
To 50 Bills of Exchge past to Wm List for you for £2.13.4 in Tobacco at a penny pr lis	850		
To your Order on me to pay Geo: Medley	700		
To Rent of a Plantation for a Year	600		
	5752		

Errors Excepted p William Cumming

And the aforesaid Peter Mugg Assignee as aforesaid Says that he by any thing by the aforesaid William in Manner & form aforesaid above by pleading alledged ought not be prohibited from having his Action aforesaid thereof against him the said William because he Says that the plea aforesaid Contains not in it self Sufficient Matter in Law to preclude the aforesaid Peter from having his Action aforesaid thereof against him the said Wm to which said plea the aforesaid Peter is not necessitated nor by the Law of the Land is any wise bound to answer & this he is ready to verify Wherefore in Default of a Sufficient plea in this Behalf the same Peter prays Judgment & his Debt aforesaid together with his Damages by Occasion of the Detaining of that Debt to him to be adjudged &c

And the aforesaid William Cumming Saith that the plea aforesaid by him the said William in Manner & form aforesaid above pleaded & the Matter in the same Contained are good & sufficient in Law to have prohibited him the said Peter from his Action aforesaid thereof against him the said William Which said plea and the Matter in the same Contained he the same William to aver & prove &c And because the aforesaid Peter hath not answered to that plea nor the same hitherto hath

(any)

any Way Denied the same William as before Prays Judgment and that the aforesaid Peter may be prohibited from having his Action aforesaid against him the said William.—

But the said Peter Mugg Assignee as aforesaid altho solemnly Called Comes not but makes Default nor Does he further prosecute his Writ aforesaid against the said William Cumming with Effect but Voluntarily Suffered his Suit to be Discontinued.—

Therefore at the Discretion of the Justices here this 18th Day of October Anno Dom 1737 aforesaid the Sum of

731½ Pounds of Tobacco were adjudged to the said William Cumming for his Costs & Charges by him about his Defence in this part Sustained according to the form of the Statute in Such Cases made and provided And that the aforesaid William Cumming having thereof his Execution against the said Peter Mugg Assignee as aforesaid &c.—

DD. Wm James Martin — Somerset County Sct
co
RT. Joshua Caldwell.

Be it Remembred that heretofore to wit the Eighth Day of July Anno Domini Seventeen hundred and thirty five Joshua Caldwell of Somerset County was Summoned to answer unto James Martin of Somerset County of a plea wherefore he took a Negroe Man Called Mars the proper Negroe which was the said James Martins and him unjustly detained against Sureties & pledges &c —

And whereupon the same James by Danl Dulany his Attorney Complains that the said Joshua the Sixth Day of December in the Year of our Lord Seventeen hundred & thirty four in Somerset County aforesaid at a Certain place Called the Cow pen took the Negroe of him the said James called Mars & him unjustly detained against Sureties & pledges untill &c Whereby the said James Saith he is the worse & hath Damage to the Value of Eighty Pounds Current Money of Maryland and therefore he brings Suit &c —

Wm & Does & R Roe —

And the said Joshua Caldwell by Richd Francis his Attorney Comes & Defends the force & Injury when &c And Prays Leave to imparle hereunto untill next Court — & he hath it & the same Day is given to the said James Martin also —

At which said next Court to wit the 21st Day of October Anno Domini 1735 Comes again the said Parties pltff & Deft by their Attorneys aforesaid & the said Deft by his Attorney Prays further Leave to imparle hereunto untill next Court & he hath it And the same Day is given to the pltff also —

At which said next Court to wit the 18th Day of May Anno Dom 1736 — Comes again as well the said James Martin by his Attorney aforesaid the said Joshua Caldwell by his Attorney aforesaid And the said Joshua Caldwell by his said Attorney as before defends the force & Injury when &c And Saith that the said James his Action aforesaid thereof against him to have or maintain ought not

(because)