and Margaret his Wife & the aff. John Dant & Winifred his Wife & them unjustly detained against Sureties & Pledges & Whereby they the said Edward Clark & Margaret his Wife & the said John Dant & Winifred his Wife are damnified & have loss to the value of nine thousand nine hundred pounds of Tobacco and thereupon they bring this Suit &c. Pledges &c. John Doe & Rich. Roe

At which said first Tuesday in June to wit the 5th Day of the same Month Anno Domi 1739 being the Day of the return of the said Writ Comes the said Edward Clark & Margaret his Wife John Dant & Winifred his Wife by William Cummins their Attorney and the Sheriff of Saint Mary's County to whom the foregoing Writ was directed likewise comes & makes return thereof Indorsed as follows viz. By Virtue of the within Writ to me directed I have Replevied & delivered unto the within named Edward Clark & his Wife John Dant & his Wife the several Negroes within mentioned they having first shewn the same Negroes to me as those named in the said Writ & by Sureties & safe Pledges taken the within named Edward Welch to be & appear at the place & time within required as by the within Writ I am commanded To Answers John Cartwright Sheriff

Whereupon the said Edward Welch being called appears And thereupon the said Edward Welch by John Hicks his Attorney comes & prays liberty hereof to Imparle to a County Court to be held at Leonard Town for Saint Mary's the first Tuesday in August next & he hath it & the same Day is given to the Plfts. also

At which said first Tuesday in August Comes here again the said Plfts. by their Attys. aff. & pray that the said Edward Welch to their Writ & Declaration aff. may answer the aff. Edward by John Hicks his Attorney comes & defends the force & Injury &c. and prays Judgment of the Writ & Declaration aff. because he saith that he the said Edward at the time of the taking the Negroes aff. in the Declaration aff. mentioned and the property of the said Negroes in him the said Edward to wit at Saint Mary's County aff. without that that the Property of the said Negroes was at the time of the taking thereof in them the aff. Edward Clark & Margaret his Wife John Dant & Winifred his Wife & this he is ready to verify &c. And thereupon the said Edward Welch by his Att. aff. prays further liberty hereof to Imparle to a County Court to be held at Leonard Town for the County aff. the first Tuesday in November next & he hath it and the same Day is given to the Plfts. now here also. The Records & Process thereof with all things thereto relating We here with send Greeting to the Justices of the Provincial Court as Witness our hands & Seals this 15th Day of May Anno Domi 1740.

Jno. Bond (Seal)

(Seal of the Seal of St Mary's County Court)

Philip Key Clk Cond Cur

At which said third Tuesday of May to wit, the 20th Day of the same Month Anno Domi 1740 Comes into his Lordships Provincial Court here as well the said Edward Clark & Mr. John Dant & Mr. by William Cummins their Att. as the said Edward Welsh by Dan. Dulany his Att. & the said Edward Welsh by his said Att. prays leave to Imparle hereunto untill next Court & he hath it & the same Day is given to the said Plfts. also.

At which said next Court, to wit, the 2d Day of October Anno Domi 1740 Come again the said Parties Plfts. & Defts. by their Attys. aff. & the said Defts. by his said Att. prays further leave to Imparle hereunto untill next Court & he hath it & the same Day is given to the Plfts. also.

At which said next Court to wit, the 14th Day of April Anno Domi 1741 Come again (the)

the said Parties Plfts. & Defts. by their Attys. aff. & the said Defts. by his said Att. prays further leave to Imparle hereunto untill next Court & he hath it & the same Day is given to the Plfts. also.

At which said next Court, to wit, the 13th Day of October Anno Domi 1741 Come again the said Parties Plfts. & Defts. by their Attys. aff. & the said Defts. by his said Att. prays further leave to Imparle hereunto untill next Court & he hath it & the same Day is given to the Plfts. also.

At which said next Court, to wit, the 13th Day of April Anno Domi 1742 Come again as well the said Edward Clark & Mr. John Dant & Mr. by their Att. aff. as the said Edward Welsh by his Att. aff. And the said Edward Clark & Mr. & John Dant & Mr. by their Att. aff. Say that the plea aff. by the said Edward Welsh above pleaded & the matter in the same contained are not sufficient in Law them the said Edward Clarke & his Wife & the aff. John Dant & his Wife from their Action against the aff. Edward Welsh to have to preclude And that they the said Edward Clark & his Wife & the aff. John Dant & his Wife have no need nor by the Law of the Land are held to Answer thereto and this they are ready to Verify wherefore for want of a sufficient plea in this part the said Edward Clarke and his Wife & the said John Dant & his Wife pray Judgment & their damages by occasion of the Trespass aff. to them to be Adjudged &c. And the aff. Edward Welsh Saith that the plea aff. by him Edward Welsh in manner & form aff. above pleaded & the matter in the same contained are good & sufficient in the Law to have precluded the aff. Edward Clarke & his Wife & the aff. John Dant & his Wife from their Action aff. thereof against him the said Edward Welsh which same plea & the matter in the same contained he the said Edward Welsh is ready to aver & prove as far as the Court &c. And because the aff. Edward Clarke & his Wife & the aff. John Dant & his Wife have not Answered to that plea nor the same hitherto have any way denied; the said Edward Welsh as before prays Judgment and that the aff. Edward Clarke & his Wife & the aff. John Dant & his Wife from having their Action aff. against him the Edward Welsh may be precluded &c.

Whereupon all & singular the premises being by the Court here soon heard & fully understood & Mature deliberation thereupon had & for that it seems to the Court here that the Law Arising on the premises aff. is with the Defts.

Therefore it is considered by the Justices here that the said Edward Clark and his Wife & the aff. John Dant & his Wife take nothing by their Writ aff. But that they & their Pledges of Prosecution to wit John Doe & Rich. Roe go thereof without Day; And it is further considered that the said Edward Welsh recover against the said Edward Clarke & his Wife & the aff. John Dant & his Wife the Sum of [illegible] Pounds of Tobacco by the Court here unto him on his Apeal Adjudged for his Costs & charges by him about his defence in this behalf laid out & expended, according to the form of the Statute in the like case made & provided; & that he have thereof his Execution &c.

1741.

H. D. Day Scott aff. } Memorandum The Defts. sued out his Lordships Writ of Habeas Corpus the Tenor whereof follows in these Words viz.

Ga. Ig. Thomas Flotcher

Maryland ss. Charles absolute Lord & Propry. of the Province of Maryland & Avalon Lord Baron of Baltimore &c. To the Justices & Sheriff of Somerset County Greeting. Whereas a certain Thomas Flotcher is detained in the Prison of our said County under the Custody of you of our said Sheriff at the Suit of a certain Day Scott in a plea of Trespass upon the Case Which said Plea as it is said