September Term 1744.

Capi Corpus ffr William Harris Shff. Kent Co.ty

And the said Abraham Cowarden by Joshua George his attorney appears, Whereupon at the prayer of the Plaintiff by his attorney afs. the said Abraham Falconar is adjudged to give Special bail to the Action afs. Whereupon a certain Joshua George Gentleman Present herein Court in his Paper Power undertakes for the said Abraham Cowarden that in Case the said Rich.d Lux shall recover Judgment against the said Abraham Cowarden in the Plea afs. or that he the said Abraham Cowarden should be therein Legally Convict that then he should pay the Condemnation of the Court thereupon or render his body to the Custody of the Sheriff of Kent County in satisfaction thereof or that he the said Joshua George will do the same for him.

And the said Richard Lux by Daniel Dulany his attorney Declared against the said Abraham Cowarden in the Plea afs. as follows Viz.t Maryland ss. Abraham Cowarden late of Kent County Planter was attached to answer unto Rich.d Lux of a Plea of Trespass upon the Case &c. And whereupon the same Richard Lux by James Calder his attorney Complains that whereas the same Abraham the Twenty ninth day of December in the Year of Our Lord Seventeen hundred and forty one at the County afs. was Indebted to the same Richard in the sums of Twelve pounds four shillings and four Pence Current money of Maryland and fifteen hundred pounds of Tobacco for Sundry Goods and Merchandizes by the said Rich.d to the said Abraham at the special Instance and request of the said Abraham before that time there sold and Delivered and for money by the said Richard for the s.d Abraham at his request to William Crain paid and for Diver Articles and things properly Chargeable in account as by the account thereof here shewn in Court appears and so thereof being indebted the same Abraham in Consideration thereof afterwards to wit, the same day and Year at the County afs. upon himself Assumed and to the said Richard then and there faithfully Promised that he the same Abraham the afs. sums of money and Tobacco to the same Richard when thereof afterwards he should be required would well and faithfully Pay and Content and altho' the said Abraham did afterwards pay to the said Richard Eleven hundred and Twenty two pounds of Tobacco of the afs. fifteen hundred pounds of Tobacco part, Nevertheless the same Abraham his Promise and Assumption afs. as to the afs. sum of money and three hundred pounds weight of Tobacco of the afs. fifteen hundred pounds of Tobacco residue not regarding but minding and fraudulently intending the same Richard as to the said sum of money and three hundred and Twenty eight Pounds of Tobacco craftily and subtilly to deceive and defraud the afs. sum of money and quantity of Tobacco last above mentioned or any of them or any part thereof to the same Richard yet hath not paid or therefore in any manner made content (altho' that to do the same Abraham afterwards to wit, the tenth Day of March in the Year of Our Lord seventeen hundred and forty two at the County afs. by the same Rich.d was required) but that unto him to pay or therefore to make Content hath altogether refused and still doth refuse to the damage of the same Richard twenty pounds Current money and eight hundred pounds of Tobacco and therefore he brings this suit &c.

Pledges &c. John Doe and Richard Roe

Which account mentioned in the aforegoing Declaration follows in these words (viz.t)

Dr. 1744. Abraham Cowarden. to Rich.d Lux — Cr.

		£	s.	d.	lb. Tob.o			lb. Tob.o
Dec.r 1	To a man Servant's time	10	0	0	1500	By 1 Hh.d Tob.o Nett		552
	To 1 Book		1	6		By 1 Ditto Nett		620
	To 1 1/4 Gallon Rum 3/6		5	0				1172
	To 1 1/4 Yards Linnen		0	2	6			
28.	To 3 Quarts rum 1 pound Reasons		0	7	0			
	To 1 Quart Ditto 2 lb.s Shot		0	3	0			
29	To 1/2 Yard Callamanco		0	2	6			
	To 1 Quart Rum		0	2	0			
	To 1 Yard Petty binding		0	0	10			
	To 1 Quart Rum		0	2	0			
	To William Crain ffr Cotton		1	0	0			
	Ballance due Cash	12	4	4				
	Ballance due in Tobacco							328.

Errors Excepted ffr Rich.d Lux

(Dec.r)

September Term 1744.

December 1.st 1742. Came Richard Lux before me one of his Lordship's Justices of the Peace for Kent County and made Oath that the above account is Just and true as it stands Stated and that he hath not directly or Indirectly received any part or Parcel thereof nor any security or Satisfaction for the same.

D Hands

And the said Abraham Cowarden by Joshua George and James Calder his attorneys comes and Defends the force and Injury when &c. and prays leave to imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiff also

At which said next Court to wit, the 7.th Day of May Anno Dom.i 1743. come again the said Parties Plaintiff and Defend.t by their attorneys afs. and the said Defend.t by his said attorney prays further leave to imparle hereunto untill next Court and he hath it and the same Day is given to the Plaintiff also

At which said next Court to wit, the 18.th Day of October Anno Dom.i 1743. come again the said Parties Plaintiff and Defend.t by their attorneys afs. and the said Defend.t by his said attorney prays further leave to imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit, the 10.th Day of April Anno Dom.i 1744. come again the said Parties Plaintiff and Defend.t by their attorneys afs. and the said Defendant by his said attorney prays further leave to imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit, the 11.th Day of September Anno Dom.i 1744. comes again as well the said Rich.d Lux by his attorney afs. as the said Abraham Cowarden by his attorney afs. and the said Abraham Cowarden by his Said attorney as before defends the force and Injury when &c. and saith that he did not assume upon himself in manner and form &c. as the aforesaid Richard Lux above against him hath declared &c. of this he puts himself upon the Country. And the Plaintiff also

Whereupon the said Abraham Cowarden by his attorney afs. offers himself ready against the said Richard Lux in the Plea afs. but the said Rich.d Lux altho' Solemnly Called Comes not but makes default, nor does he further Prosecute his Writ against the said Abraham Cowarden in the Plea aforesaid.

Therefore it is Considered by the Justices here that the said Richard Lux take nothing by his Writ afors.d but that he and his Pledges of Prosecuting to wit John Doe and Richard Roe bein Mercy &c. and that the said Abraham Cowarden go thereof without Day &c. and it is also Considered that the said Abraham Cowarden recover against the said Rich.d Lux the sum of

1082 1/2 Pounds of Tobacco by the Court hereunto him on his assent adjudged for his Costs and Charges by him about his defence in this behalf laid out and expended, and that he have thereof his Execution &c.

Test. B Beardes Clk

H. Charles Palmer — Command was given to the Sheriff of Queen Ann's County that he should
Vg. ff. John Courtsey — take John Courtsey late of Queen Anns County afs. Planter, otherwise Called In.o Courtsey if he should be found in his Bailywick and him safely keep so that he might have his body before the Justices of his Lordship's Provincial Court to be held at Annapolis the second Tuesday of October then next to answer unto Charles Palmer of a Plea that he render unto him two hundred Bushells of Good Sound Merchantable Clean Indian Corn of the Value of fifty Pounds current money of Maryland which from him he unjustly detains &c. and that thereof he the said Sheriff should not fail &c.

At which said Second Tuesday of October to wit, the 12.th Day of the same Month Anno Dom.i 1742. being the Day of the return of the aforegoing Writ, Comes the said Charles Palmer by James Calder his attorney and the Sheriff of Queen Anns County to whom the same Writ was Directed likewise Comes and makes return thereof to the Court here thus endorsed Viz.t Capi Corpus C. Tilghman Shff.

And the said John Courtsey by Joshua George his attorney appears, Whereupon at the Prayer of the Plaintiff by his attorney afs. the said John Courtsey is adjudged to give Special bail to the Action afores.d Whereupon a certain Robert Lloyd of Queen Anns County Gentleman (Present)