October Term 1748

Mr. Dd. Edward Cole - } Maryland St. Marys County ss.
Sd. Mr. Thomas Taney } Be it Remembered that heretofore to wit the 14th Day of April Anno Dom. 1747 Thomas Taney late of St. Marys County Gentleman was attached to answer unto Edward Cole of a Plea wherefore with Force and Arms the close of him the said Edward at Saint Marys County afs. being part of Delabrook Manor and lying on the South side of Patuxent River he did break and enter and the Timber Trees of him the said Edward then and there lately growing did cut down take and carry away to wit one Thousand Oaks of the value of one hundred and fifty Pounds Sterling Money one Thousand Hickorys of the value of one hundred Pounds like Money and two hundred Poplars of the Price of Fifty Pounds like Money and other harms to him the said Edward then and there did to the great Damage of him the said Edward and against the Peace of the Lord Propry that now is &c. And thereupon the said Edward by Henry Darnall his Attorney complains that the said Thomas on the Day of in the Year of our Lord Seventeen hundred and with Force and Arms the close of him the said Edward at Saint Marys County afs. did break and enter and the Timber Trees of him the said Edward then and there lately growing did cut down take and carry away to wit one Thousand Oaks of the value of one hundred and fifty Pounds Sterling Money one Thousand Hickorys of the value of one hundred Pounds like Money and two hundred Poplars of the value of Fifty Pounds like Money and two hundred Chestnut Trees of the Value of fifty Pounds like Money and other harms to him the said Edward then and there did to the great Damage of him the said Edward and against the Peace of the said Lord Propry that now is &c. whereupon the same Edward saith he is the worse and hath Damage to the Value of five hundred Pounds Sterling Money and therefore he brings Suit &c. Pledges &c. Jn. Doe, Rd. Roe

And the afs. Thomas Taney by Stephen Bordley his Attorney 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 20th Day of October Anno Dom. 1747 come again the said parties Plff. and Defend. 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 1st Day of May Anno Dom. 1748 comes again as well the said Edward Cole by his Attorney afs. as the said Thomas Taney by his Attorney afore said and the said Thomas Taney by his said Attorney as before defends the Force and Injury when &c. and saith that he is not Guilty of the Trespass afs. as the afs. Edward above against him Complains and of this he puts himself upon the Country and the afs. Edward in like manner

Whereupon for Trying the Issue afs. Command is given to the Sheriff of St. Marys County that he cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices appointed to take the Assizes in his County if they shall before that time to wit on Wednesday the twenty first Day of September next to the County Court House in the said County come Twelve good and Lawfull Men of his Bailiwick by whom &c. who neither &c. to Recognize &c. because as well &c.

Afterwards the Process continued between the parties afs. in the Plea afs. by the Jury being put thereon in Respite here untill the third Tuesday of October next unless the Justices of his Lordship the Lord Propry to take the Assizes in the said County Assigned on Wednesday the twenty first Day of September next to the County Court house in the said County shall come

(And)

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And now here at this Day to wit the said third Tuesday of October being the 18th Day of the same Month Anno Dom. 1748 comes again into his Lordships Provincial Court here as well the said Edward Cole by his Attorney afs. as the afs. Thomas Taney by his Attorney afs. But the Sheriff hath not sent his Writ &c.

Whereupon this Cause standing for Tryal this Court at the request of both Plaintiff and Deft. and by their Consent it is ruled by the said Court that the said Cause be referred to Gilbert Ireland John Miles and Francis Herbert and Ordered by the said Court that the said Arbitrators make their Award in Writing under their hands and Seals and return the same to this Court and the Judgment of the Court to be rendered according to such Award and be final between the said parties according to the form of the Statute &c.

And the said Gilbert Ireland, John Miles and Francis Herbert Arbitrators as afs. pursuant to the Rule afs. make return to the Court here the following Award viz.

St. Marys County ss. On hearing the Allegations and Proofs produced to us by Mess. Edward Cole and Thomas Taney and duly Considering the same We are of Opinion that Mr. Edward Cole ought to recover against the s. Tawny forty Pound Thirteen Shillings and nine pence Sterling Money of Gt. Britain as Recompence for the Damage he has sustained by means of the said Taney's Trespassing on his Land and the Lawfull Costs of Suit Given under our hand this 22d. Day of September 1748

Gilbt. Ireland
John Miles
Frs. Herbert

Which being read and heard It is considered by the Justices here that the said Edwd. Cole Recover against the said Thomas Taney as well the Sum of forty Pound thirteen Shillings and nine pence Sterling Money of Great Britain his Damages afs. by the Arbitrators afs. in form afs. awarded as also the Sum of
1095 lbs. Pounds of Tobacco by the Court here unto him on his Agreement adjudged for his Costs and Charges by him about his Suit in this behalf laid out and Expended and the said Defendant in Mercy &c.

Test. R Burdus Clk

Sd. Dd. Thomas Sligh } Maryland ss. Anarundel County ss.
Sd. Mr. William Cumming } Be it Remembered that heretofore to wit the 14th Day of April Anno Dom. 1747 William Cumming in his proper person sued out his Lordships Writ of Certiorari the Tenor whereof follows in these Words viz.

Maryland ss. Charles Absolute Lord and Propry of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Justices and Clerk of Anarundel County Greeting We being willing for certain Causes to be certified of the Record and Proceedings of a certain Action before you depending between Thomas Sligh Plaintiff and William Cumming Defendant of a Plea of Trespass upon the Case &c. We Command you that the Record and Proceedings in the Action afs. with all things thereunto relating as far as before you it remains by whatsoever Names the parties in the same are Distinguished to our Justices of our Provincial Court to be held at Annapolis the second Tuesday of April next under your hands and Seals you send together with this Writ that our same Justices may further do therein that which of Right they see ought to be done Witness Benjamin Young Esqr. Chief Justice of our said Court the 27th Day of September in the 22d. Year of our Dominion &c. Anno Dom. 1746

Issued 18th November 1746 (W Cumming) R Burdus Clk

Allowed W Tayloe

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