now is now here remaining as the afsd Daniel above his Declaration hath Alledged and this he is ready to Verify wherefore he prays Judgment if the said Daniel his Action afsd thereof against him to have or maintain ought &c so forth

Nevertheless the said Thomas Hungerford by his Attorney afsd relinquishing the Averment above by him pretended says that he cannot deny the Action afsd of the Plf Daniel Dulany so as afsd against him brought nor but that he owes to the afsd Daniel Dulany the afsd Twenty eight Pounds Nineteen Shillings and three pence Sterling and Seven hundred & Twenty Pounds and an half Pound of Tobacco in manner and forms as the afsd Daniel Dulany above against him hath Declared

Therefore it is considered by the Justices here That the said Daniel Dulany recover against the said Thomas Hungerford as well Twenty eight Pounds Nineteen Shillings and three pence Sterling and Seven hundred & Twenty Pounds of Tobacco his Debt aforesaid as also the Sum of

517 lbs Pounds of Tobacco by the Court here unto him on his Assent Adjudged as well for his Damages Sustained by means of detaining that Debt as for his Costs & Charges by him about his Suit in this behalf laid out & Expended and the said Defendant in Mercy &c

mem. the Plf Agrees to stay Execution on the above Judgment till the 30th day of June next

Test. R Burgess Clk

B. Ffa. Pa. Thomas Holland vs. Robert Freeland

Maryland ss. Calvert County ss.

Be it Remembered That heretofore to wit the 15th Day of August Anno Dom. 1740 Robert Freeland by Edward Dorsey his Attorney sued out his Lordships Writ of Habeas Corpus the Tenor whereof follows in these Words Viz. Maryland ss. Charles Absolute Lord and Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To the Justices and Sheriff of Calvert County Greeting Whereas a certain Robert Freeland late of Calvert County Gentleman is detained in the Prison of our said County under the Custody of you our said Sheriff at the Suit of a certain Thomas Holland of a Plea of Trespass upon the Caso which said Plea as it is said still depends before you our said Justices undetermined and We being willing for divers Causes that the Plea afsd undetermined as afsd should be heard & determined before the Justices of our Provincial Court Therefore Command you that you have the Body of the said Robert Freeland by whatsoever Name he be called in the Plea afsd together with the Day & Cause of his Caption and Detainer and all things thereunto relating before the Justices of our Provincial Court to be held at Annapolis the third Tuesday of October next that our said Justices of our Provincial Court may further Proceed therein as to Justice appertains &c. Hereof fail not at your Peril and have you then and there this Writ Witness Benjamin Young Esq. Chief Justice of our said Court the 25th day of May in the 24th Year of our Dominion &c.

Anno Dom. 1740

Issued August 15th 1740 (R Dorsey) R Burgess Clk

Allowed per Jno. Price

At which said third Tuesday of October to wit the 10th day of the same Month Anno Dom. 1740 being the day of the return of the aforegoing Writ the Justices of Calvert County in compliance with the Writ afsd send here the following Proceedings and the Sheriff of Calvert County makes return of the same Writ in these Words following Viz.

(Calvert)

Calvert County ss. To the Honble the Justices within mentioned I hereby Certify That I have here ready the Body of the within Named Robert Freeland and the residue of the Execution of the within Writ lyes in a Transcript of a Record as by the same Writ it is Commanded

So Answers Daniel Rawlings Sheriff

Which Transcript mentioned in the aforegoing return follows in these Words (Viz.)

Calvert County ss. At a County Court of the Right Honourable Charles Absolute Lord and Propry of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. held at Prince Frederick Town in and for the County afsd the third Tuesday and 16th day of August in the 24th Year of his said Lordships Dominion &c. Anno Dom. 1740

Before

Coll. Gabriel Parker, Capt. James Duke, Mr. James Weems, Mr. Peter Heller, Capt. Nathan Isaac, Capt. Thos. Ireland, Doct. James Somervell, Mr. John Clare, Capt. John Smith and Maj. Dr. Ireland

Worshipfull Gent. Justices by his Ld Lordships Commn of the Peace in and for the City afsd. thereunto Lawfully assign'd &c.

Daniel Rawlings Gent. Sheriff

Samuel Harrison Clk

Among others is found the following Proceeding Viz.

Pl. Thomas Holland vs. Def. Robert Freeland } Accon of Case amov. by Habs Corpus to Prov.

Calvert County ss. Robert Freeland late of Calvert County Gentleman was attached to Answer unto Thomas Holland of a Plea of Trespass upon the Case

And Whereupon the same Thomas Holland who is within the Age of Twenty one Years by Thomas Reynolds his Guardian by the Court here Admitted Complains That Whereas the afsd Robert Freeland on the Sixth day of June in the Year of our Lord Seventeen hundred and forty Seven at Calvert County aforesaid was Indebted unto the afsd Thomas in the Sum of four thousand Seven hundred Pounds of Tobacco and Twenty eight Pounds Current Money for the like Sum of Tobacco and Money by the afsd Robert for the Use of the said Thomas there before that time had and received and so thereof being Indebted the afsd Robert afterwards to wit the same day and Year last afsd at the County afsd in Consideration thereof upon himself Assumed and unto the afsd Thomas then and there faithfully Promised that he the afsd Robert the afsd four thousand Seven hundred Pounds of Tobacco and Twenty eight Pounds to the afsd Thomas when afterwards he should be thereunto required would well and truly Content and Pay Nevertheless the afsd Robert his Promise and Assumption afsd not regarding but minding and fraudulently Intending the same Thomas in this part Craftily and Subtilly to deceive and defraud the afsd four thousand Seven hundred Pounds of Tobacco and Twenty eight Pounds Current Money or any part thereof to the said Thomas hath not paid or in any wise Contented altho' so to do the afsd Robert afterwards to wit the Tenth day of July in the Year of our Lord Seventeen hundred & forty Seven at Calvert County afsd by the afsd Thomas was required but the same to him to pay hath refused and still doth refuse to the Damage of the said Thomas Nine thousand four hundred Pounds of Tobacco and fifty six Pounds Current Money and thereof he brings Suit &c.

Pledges &c. { John Doe, Rd Roe

And the afsd Robert Freeland by Edward Dorsey and William Cumming his Attorneys comes and defends the Force and Injury when &c. and prays Liberty thereof to Imparle until next Court and he hath it and the same day is given to the Plaintiff also

At which said next Court to wit the 17th Day of November Anno Dom. 1747 comes again as well the afsd Thomas Holland by his Attorney afsd as the afsd Robert Freeland by his Attorney afsd and the afsd Robert by his said Attorneys prays further Liberty thereof to Imparle until next Court and he hath it which day is given to the Plaintiff also

(Pl)