Thousand & twenty two pounds of tobacco which the said plaintiffs are ready now to fill up, & that filling up such blanks hath bin hitherto permitted & allowed in this Court & that the said plaintiffs say that when the said blanks are filled up the said declaration doth agree, & the Def: to the same ought to answer and that they are ready to attorne and thereupon demande judgment of this Court if the said plaintiffs the blanks in their declaration aforesaid shall not according to the usuall customs of this Court fill upp, & the Defendt be compelled to the declaration & writ of the said plaintiffs to declare.

And the said Theophilus saith as formerly, that for the causes in the said plea specified, he the Defendt is not bound to make further answer to the said declaration and further saith, that no declaration is perfect wherein spaces & blanks are left for sentences words or names and that a perfect declaration ought to have bin filed by the last day of this first Court after commencement of the action and that for want of such a declaration indued lymit & course, he the Defendt ought not to have permission to fill up any blank or blanks in the aforesaid declaration and therefore prayes judgmt of the premisses & that the said plaintiffs likewise. which being read & heard it is considered by the Court that the said plaintiffs take nothing by their writ for want of a perfect declaration & be in mercy for their false claime thereupon the said Defendt may goe thereof without day and also that the said Theophilus Tufford recover against the said Josiah Dudleyson & Thomas Dudleyson the sume of one thousand foure hundred thirty two pounds of tobacco for his costs & changes by him about his defence in this behalfe laid out & expended and the said Theophilus may have thereof execution &c.

Theophilus Tufford ag: Christopher Hassell

Christopher Hassell late of Calvert County Gent was attached to answer unto Theophilus Tufford in a plea of trespass upon the case.

And whereupon the said Theophilus Tufford by Christopher Rousby his attorney complaineth, that whereas by an Act of Assembly made at a Genll Assembly begun & held at the City of St Maryes the day of & there continued by severall Adjournmts & prorogations till the day of And there continued till the day of one thousand six hundred seventy eight It was amongst other things enacted by the right hon: the Lord Proprie by & with the consent of the upper & lower houses of that present Genll Assembly that what person soever shall dispose of any tobacco or other Goods seized on or restrained by Sheriffs for fines Leaveyes or his Lordships rent or other publick offices Or that shall alter or scratch out the marke of any tobacco so restrained, Or that shall alter or change the quality of tobacco so restrained or by any Mrchant or other restrained either by unrossing or otherwise without

lawfull order or warrant in writeing under hand of some Sheriffe who restrained the same or of such Mrchant or other person who restrained & marked the same or for whose use the same was restrained & marked shall be liable being convicted by confession or sufficient witnes in some Court of this Province to restore soure fold to the party grieved and to stand in the pillory two full houres during the Court time with his offence fairly written in a peece of paper & placed upon his back the said Theophilus in fact saith that the said Christopher Hassell not ignorant of the premisses but the said Act notwithstanding, & the said Theophilus Tufford in this behalfe wrongfully & subtilly to defraud & deceive, did upon the eighth day of February one thousand six hundred sixty eight & soe every other lymit until the tenth day of April then next following restrain dispose of take & carry away from severall houses in Patuxent river within the County aforesaid twenty foure severall hogsheads of tobacco of the proper Goods & chattels of the said Theophilus Tufford & by him & his servants for his use formerly restrained & marked containing the total quantity of tenn thousand foure hundred forty one pounds of tobacco contrary to the said Act of Assembly, whereby action accrued to the said Theophilus to sue & demand of the said Christopher Hassell foure fold according to the said Act amounting to the sume of forty one thousand seven hundred & sixty foure pounds of tobacco & thereupon he brings his suite &c.

And the said Christopher Hassell by Robert Ridgely his attorney comes & defendeth the force & injury when &c and prayeth libertie to imparle hereunto until next Provinciall Court & it is granted unto him, the same day is given to the plaintiffe also.

Now heere at this day to wit the fifteenth day of October in the fourth yeare of the Dominion of the right hon: Charles Lord Baltimore &c Anno Dni 1679 came the said parties by their Attorneys aforesaid. And the said Christopher by his said Attorney saith that he is in no wise guilty of the premisses above imposed upon him against the forme of the Act of Assembly aforesaid in manner and forme as the plaintiffe above against him hath complained and of this he puts himselfe upon the Country. Whereupon the said Theophilus refuseth to make any further prosecution against the said Christopher in the plea aforesaid. Therefore it is considered that the said Theophilus take nothing by his writ but be in mercy for his false claime thereupon & that the said Christopher may goe thereof without day. And also that the said Christopher Hassell recover against the said Theophilus Tufford the sume of one thousand three hundred & eighty pounds of tobacco for his costs & changes by him about his defence in this behalfe laid out & expended and the said Christopher may have thereof execution &c.

Gerard Slye ag: Henrie Matthews } This action is agreed