Charles County satisfy and pay unto the Severall persons before mentioned their Severall and respective duty for their Severall attendances Coming and going as aforesaid in Tobacco at thirty pounds of Tobacco pr Day.

Thomas Wirkalby agt Robert Doyne

Maryland ss:

Robert Doyne Gent: late high Shriff of Charles County was attached to answer unto Thomas Wirkalby of a plea of Trespass upon the Case.

And whereupon the said Thomas Wirkalby by Robert Carvile his Attorney complaineth that whereas the said Thomas in the Month of November in the year of our Lord 1685 and Severall Months before had been under Shriff to the said Robert Doyne then and yet high Shriff of Charles County aforesaid and the said Robert Doyne having then in his Custody Two Prisoners to him committed for a supposed Felony by them perpetrated and by him the said Robert to be safely kept till they should appear at the then next Provincial Court to be held at the City of St Maryes the first and Twentieth day of November aforesaid there to render their tryall or otherwise to be discharged according to law. In order whereunto the said Robert Doyne then and yet Shriff as aforesaid did upon the Two and Twentieth day of November aforesaid by colour of his office of Shriff aforesaid at Portobacco in Charles County aforesaid order and Command the said Thomas Wirkalby his Under Shriff as aforesaid in the name of the King or the Lord Propry to impress two horses or Goldings of any one of the Neighbourhood to carry the said two Prisoners to the City of St Maryes aforesaid there to render their tryall as aforesaid, and the said Robert Doyne did then and there assume upon himself and to the said Thomas Wirkalby did faithfully promise that he the said Robert Doyne would save and keep harmless the said Thomas Wirkalby from all loss damages and charges that might any way thereafter happen or accrue to the said Thomas Wirkalby for or touching the same. Whereupon the said Thomas Wirkalby in obedience to the Com and and at the special instance & request of the said Robert Doyne high Shriff as aforesaid did direct a Warr of the said Robert Doyne to take up a Golding of one Edward Saunders at Portobacco aforesaid which he did impress by the order aforesaid for the use aforesaid and the said Golding being pressed as aforesaid and brought to the house of the said Robert Doyne the said Robert Doyne did on the said Two and Twentieth day of November aforesaid by colour of his office aforesaid impress order and Command one Thomas Charlton of Charles County aforesaid to be aiding & assisting to guard the said Prisoners down to St Maryes and ordered that both the said Prisoners should ride down thither upon the

the Golding aforesaid. And afterwards had it fallen out that the said Golding with over labouring or otherways with going down to St Maryes with the Prisoners aforesaid died. Whereupon the said Edward Saunders Shortly afterward demanded of the said Robert Doyne Satisfaction for his Golding so pressed and dead as aforesaid which the said Robert Doyne delaying or denying to make to the said Edward Saunders for the recovery thereof did afterwards that is to say the Tenth day of January in the year of our Lord 1686 send out of his Lopps Court of Charles County before his Lopps Justices there his Lopps Writt of Capias to the Shriff of the said County directed thereby commanding him that he should take the body of him the said Thomas Wirkalby if he should be found in his Bailywick and him safe keeping that he should have his body before his Lopps said Justices of Charles County Court aforesaid on the Second Munday of that instant January to answer unto the said Edward Saunders upon a plea of trespass upon the Case. By vertue of which Writt the said Robert Doyne then and yet Shriff of the said County did afterwards and before the return of the said Writt arrest the said Thomas Wirkalby whereupon the said Thomas Wirkalby did then and there acquaint the said Robert Doyne that the cause of the said Arrest was for satisfaction for the Golding so prest and dead as aforesaid and required him to defend the Suit and to save him harmless according to his promise and assumption aforesaid At which said Second Munday of January the said Shriff and made return of his Writt to the Court there that he had taken the said Thomas Wirkalby and had his body at the day and place as the writt required and the said Thomas Wirkalby then and there by Clabourn Comac his Attorney appeared and prayed liberty to imparle to the Second Munday in March following at which Second Munday of March the said Cause was continued till the fourteenth of June following At which said fourteenth day of June came the said Edward Saunders by William Dent his Attorney and declared against the said Thomas Wirkalby in a plea of trespass upon the Case thereby setting forth that whereas the said Edward Saunders on the Seven and Twentieth day of November 1685 at Portobacco aforesaid was possessed of a Gray Golding as of his own proper Golding to the value of Sixteen hundred pounds of Tobacco and being thereof so possessed he the said Edward Saunders afterwards the day and year aforesaid the said Golding out of his hands and possession did casually loose which said Golding the day and place aforesaid to the hands and possession of the said Thomas Wirkalby by finding came. Nevertheless the said