Therefore it is considered by the Justices here the Day & Year last mentioned that the said Right Honourable Charles Absolute Lord and Propietary of the Province of Maryland &c recover against the said Anthony Rawlings the Sum of two hundred Thousand Pounds of good Sound Merchantable Leaf Tobacco & Cask his Debt aforesd And the said Anthony in Mercy &c

Ph 23 Wm
The Lord Propry of Maryland ffs
John Smith
John Smith

John Smith of Cecill County Gent alias dict John Smith of Cecill County in the Province aforesaid was summoned to answer unto the Right Houble Charles Absolute Lord & Propry of the Province of Maryland & Avalon Lord Baron of Baltimore &c of a Plea that he render unto him the full Sum & just Quantity of two hundred Thousand Pounds of good Sound Merchantable Leaf Tobacco & Cask which from him he unjustly detaineth ——

And whereupon Michael Howard Esqr Attorney General of the Lord Propry that now is for the said Lord Propry in this behalf prosecuteth saith that whereas the aforesd John Smith the thirteenth Day of November Anno Dom Seventeen hundred & twenty four at Cecil County aforesd by his Certain Writing Obligatory granted himself to be held & firmly bound unto the said Lord Propry in the aforesd Sum of two hundred Thousand Pounds of Tobacco to be paid to the said Lord Propry when thereunto requested Nevertheless the aforesd John Smith the aforesd two hundred Thousand Pounds of Tobacco or any part thereof to the said Lord Propry altho' often requested that not rendred but the same to him to render hath gainsayed & still doth gainsay to the Damage of the said Lord Propry two hundred Thousand Pounds of Tobacco And this the said Attorney General for the said Lord Propry is ready to verifye &c And the same Attorney General brings into Court here the Writing Obligatory aforesd which testifies the Debt aforesd in form aforesd the Date whereof the Day & Year aforesd &c ——

And the aforesd John Smith by William Berkingham his Attorney Comes & defends the force & Injury when &c And prays a hearing of the Writing Obligatory aforesd & it is read unto him he also prays a hearing of the Condition of the same Writing & it is read unto him in these Words Viz The Condition of the above Obligation is such that if the above bounden John Smith do well & truly serve his said Lordship his Heirs & Successors in the Office of High Sheriff of the County of Cecil within the Province aforesd & in all things well & faithfully execute the same Office & also shall render unto his said Lordship & other his Officers a true faithfull & perfect Account of all & Singular his said Lordships Rights & Dues & to his Officers a true & just Account of their fees that he shall or may intrusted with by his said Lordship Governour & other his Officers within this Province to receive & collect & his Account to his said Lordship his Heirs & Successors & to his & their Governour here for the time being for the fines & forfeitures & other Dues belonging to his said Lordship Governour as also his Account of All fees Dues & Sums of Money or Tobacco due to any the good People within this Province for any Sum or Sums of Money or Tobacco wherewith the said Sheriff shall be intrusted during the time of his Sheriffalty for this Present or to such of them as shall require the same shall pass & render by the fourth Day of May next ensuing the Date hereof And in all other things as Sheriff of the County of Cecill shall behave himself well & honestly to all Persons according to the best of his Power Skill & knowledge then this Obligation to be Void & of none Effect or else to stand in full force Power & Virtue which being read & heard the said John Smith by his said Attorney prayd leave to imparle hereunto untill next Court & he hath it And the same Day is given to the said Michael Howard Esqr his Lordships Attorney General who &c Also ——

At which said next Court to wit the 16th Day of May Anno Dom 1727 Comes again as well the said Michael Howard Esqr his Lordships Attorney General who &c as the said John Smith by his Attorney aforesd And the said John by his said Attorney as before defendt the force & Injury when &c And saith that the Attorney General for the said Lord Propry his Action aforesd against him to have or maintain ought not because he saith that he the said John Smith hath always from the time of making the Writing aforesd

(and)

and during his Continuance in the Office aforesd well & truly served his said Lordship the Lord Propry in the Office of High Sheriff of the County of Cecil and did in all things well & truly execute the same Office & also rendered to his said Lordship & other his Officers a true faithfull & perfect Account of all & Singular his Lordships Rights & Dues & to his Officers a just & true Account of their fees that he the said John was intrusted with by his said Lordship & other his Officers within this Province to receive & collect & his Accounts to his said Lordship & his Governour for fines & forfeitures & other Dues belonging to his said Lordships Governour as also his Account for all fees Dues & Sums of Money or Tobacco due to any the good People within this Province for any Sum or Sums of Money or Tobacco wherewith the said John Smith was intrusted during the time of his Sheriffalty for that Present or to such of them as required the same did pass & render by the fourth Day of May next ensuing the Date of the Writing aforesd & in all other things as Sheriff of the County of Cecil did behave himself well and honestly to all Persons according to the best of his Skill power & knowledge to wit at Cecil County aforesd and this he is ready to verify Wherefore he prays Judgment if the said Attorney General the Action aforesd against him to have ought &c ——

And the said Attorney General of the said Lord Propry saith that by anything preallegded from maintaining the Action aforesd against the said John Smith he ought not to be barred because protesting that the said John Smith hath not observed performed fulfilled or kept any of the Articles Covenants Grants Payments Conditions & Agreements in the Condition aforesd mentioned for Plea or Replication the same Attorney General for the aforesd Lord Propry Nevertheless saith that the same John Smith was & Continued High Sheriff of Cecil County aforesd from the aforesd thirteenth Day of November Anno Dom Seventeen hundred twenty & four untill the thirteenth Day of November Anno Dom Seventeen hundred twenty & five to wit at the same County that a Certain John Armston of the aforesd County Clerk on the first Day of November Anno Dom Seventeen hundred twenty & two was & yet is one of the good People of this Province & Rector of St Stephens Parish in the County aforesd & that on the twenty fourth Day of December in the Year of our Lord God Seventeen hundred twenty & four there became Due to the said John Armston as Rector of the same Parish by a Levy of forty Pounds of Tobacco per poll on Every taxable Person in the Parish aforesd the sum of twenty Thousand Pounds of Tobacco & upwards which the said John Smith as High Sheriff of the County aforesd then & there was intrusted to collect & pay to the same John Armston or Order And the aforesd Attorney General further saith that the aforesd John Armston afterward to wit the Second Day of March Seventeen hundred twenty & four at the County aforesd then & there being a Person Commorant using & the said Sum of Tobacco not being paid to him or Order according to the Use & Custom of Merchants & other Persons did make his Certain Bill of Exchange in Writing with his proper hand subscribed bearing Date the same Day & Year & the same Bill of Exchange unto the aforesd John Smith by the Name of Mr John Smith High Sheriff of Cecil County (then & there being a Person Commorant using) did Direct & by the Bill of Exchange did require the same John Smith to pay unto a Certain John Campbell of the aforesd County Planter (the same John Campbell then & always before & yet being an Inhabitant of the said Province to wit at the County aforesd) by the Name of Mr John Campel or Order the Sum of two Thousand Pounds of Tobacco upon Demand for Value received from the same John taking a receipt for the same & it should be allowed in Account unto the said John Smith by the aforesd John Armston and the aforesd John Campbell afterward to wit the same Day & Year last mentioned at the County aforesd being then & there a Person Commorant using & the aforesd two thousand Pounds of Tobacco being in no Sort paid by his Indorsement upon that Bill of Exchange made in Writing with his proper hand Subscribed according to the use & Custom of Merchants & other Persons did Order the Contents of the same Bill to wit the said two thousand Pounds of Tobacco to be paid unto the aforesd Robert Alexander (the same Robert then & always before & yet being an Inhabitant of this Province to wit at the County aforesd) or Order for Value received which said Bill so as aforesd made Subscribed & directed with the Indorsement aforesd thereupon made the aforesd John Smith afterward to wit the fourth Day of March in the Year aforesd did See & then & there according to the Custom of Merchants & the Duty of his Office of High Sheriff of the said County as Sheriff of the same

(County)