same Samuel Poole of the Debt Costs & Damages aforesaid or of any parcel thereof then or yet in not at
paid or satisfyed being Contrary to the Duty of the said John Smith his Office of High Sheriff of
Cecil County aforesaid & the form & Effect of the Condition aforesaid Wherefore the aforesaid John Smith altho
often required the aforesaid One hundred & fifty Pounds Tenn Shillings & eight pence & three hundred
& ninety five Pounds of Tobacco unto the same Samuel Poole yet hath not paid but that
unto him hitherto altogether hath refused & still doth refuse Contrary to the Duty of the said
John his Office of High Sheriff aforesaid & the form & Effect of the Condition aforesaid And this for the —
said Lord Propry the said Attorney Generall is ready to verifye Wherefore he prayeth Judgment
for the Debt aforesaid & the Damage by occasion of detaining the same Debt unto the said Lord
Propry to be adjudged &c With this that the same Attorney Generall doth verifye that the
aforesaid Samuel Poole is & hath been always hitherto an Inhabitant of the said Province
to wit at Bohemia in Cecil County aforesaid —

And the said John Smith saith that by any thing prealledged the
Attorney Generall the Action aforesaid for the said Lord Propry at the instance of the said Samuel
Poole against him to have or maintain ought not because he saith that the Replication
aforesaid & the matter in the same Contained are altogether insufficient in Law & that to
that Replication hath no need nor by the Law of the Land is in any sort held to answer
And this he is ready to verifye Wherefore for want of a sufficient Replication in this part
the said John prays Judgment if the said Attorney Generall the Action aforesaid for the said Lord
Propry at the instance of the said Samuel Poole to have & maintain ought &c —

And the aforesaid Attorney Generall for that he hath above in his Replication alledged
sufficient matter in Law to have & maintain the Action aforesaid for the said Lord Propry against
the said John Smith which he is ready to verifye which matter the aforesaid John Smith hath
not gainsayed nor thereunto in any wise answered but the same to admit for true hath
altogether refused as before prayeth Judgment for the Debt aforesaid & the Damage occasioned by
detaining the same Debt unto the same Lord Propry to be adjudged &c

Whereupon all & singular the premisses being by the Court here soon heard fully
understood & mature Deliberation thereupon had for that it seems to the Court of the Lord Propry
here that the said Attorney Generall hath not above in his replication alledged sufficient —
matter in Law to have & maintain the Action aforesaid for the said Lord Propry against the said
John Smith —

Therefore it is Considered by the Justices here the 21st Day of October Anno
Dom 1729 aforesaid that the said Right Honble the Lord Propry take Nothing by his Writ aforesaid And
that the said John Smith — — — go thereof without Day &c And also it is Considered that the
said John Smith recover against the aforesaid Samuel Poole at whose request this Action was
brought the Sum of

676 Pounds of Tobacco by the Court here adjudged unto him for his Costs & Charges
by him about his Defence in this behalf laid out & Expended according to the form of the Act of
Assembly in that Case made & provided —

Cecil Alias The Lord Propry — } Maryland ss

Mathias Vanbobber late of Cecill County Gentleman otherwise
Mathias Vanbobber } Called Mathias Vanbobber Sheriff of Cecill County in the Province aforesaid —
was summoned to answer unto his Lordship the Right Honble the Lord —
Proprietary of a Plea that he render unto his said Lordship the full Sum and just quantity of two
hundred thousand Pounds of good sound Merchantable leaf Tobacco and Cask which from his said
Lordship he unjustly detains &c

And whereupon Michael Howard Esqr Attorney Generall of the Lord Propry

(that)

that now is who for the said Lord Propry in this behalf prosecuteth saith that whereas the said
Mathias Vanbobber on the twelfth day of November Anno Dom One thousand Seven hundred &
twenty six at Ann Arundell County by his certain Writing Obligatory granted himself to be
held & firmly bound unto the said Lord Propry in the said Sum of two hundred thousand Pounds
of Tobacco to be paid to the said Lord Propry when thereunto requested yet the said Mathias
Vanbobber the said two hundred thousand Pounds of Tobacco or any part thereof to the said —
Lord Propry at the often thereunto requested hath not rendred but the same to him to —
render hath gainsayed & still doth gainsay to the Damage of the said Lord Propry two hun-
dred thousand pounds of Tobacco And this the said Attorney Generall for the said Lord Propry
is ready to verifie And the same Attorney Generall brings here into Court the Writing afore-
said the Debt aforesaid testifieth the Date whereof is the Day & Year aforesaid —

And whereupon the same Mathias Vanbobber by William Berkingham
his Attorney Comes & defends the force & Injury when &c And prays a hearing of the —
Writing Obligatory aforesaid & it is read unto him he likewise prays a hearing of the Condition
of the same Writing & it is read unto him in these words viz.t

The Condition of the above —
Obligation is such that if the above bounden John Smith do well & truly serve the Right Honble the
Lord Propry his Heirs & Successors in the Office of High Sheriff of the County of Cecil within the
Province aforesaid & in all things well & faithfully Execute the same Office & also shall render unto
the said Lord Propry & other his Lordships Officers a true faithfull & perfect Account of all and
singular his said Lordships Rights & fees that he shall or may be entrusted with by his said
Lordships Governour & other his Officers within this Province to receive & collect & this that
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 Lordships Government 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 —
Entrusted during the time of his Sheriffalty for this present or to such of them as shall —
require the same shall pass & render by the twelfth Day of May next Ensueing the Date —
hereof & in all other things as Sheriff of the County of Cecil 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 Strength & Vertue Which being read Edward the —
said Mathias Vanbobber by his said Attorney prays leave to imparle hereunto until next
Court and he hath it And the same Day is given to the said Michael Howard Esqr his Lordships
Attorney Generall who &c Also —

At which said next Court to wit the 15th Day of October Anno Dom
1728 Comes again as well the said Michael Howard Esqr his Lordships Attorney Generall who
&c as the said Mathias Vanbobber by his Attorney aforesaid And the said Mathias Vanbobber by
his said Attorney prays further leave to imparle hereunto until next Court And he hath it
And the same Day is given to the said Michael Howard Esqr his Lordships Attorney Generall
who &c Also —

At which said next Court to wit the 20th Day of May Anno Dom 1729 Comes
again as well the said Michael Howard Esqr his Lordships Attorney Generall who &c as the said
Mathias Vanbobber by his Attorney aforesaid And the said Mathias Vanbobber by his said Attorney
prays further leave to imparle hereunto until next Court And he hath it And the same day
is given to the said Michael Howard Esqr his Lordships Attorney Generall who &c Also

At which said next Court to wit the 21st of October Anno Dom 1729 Comes again
as well the said Michael Howard Esqr his Lordships Attorney Generall who &c as the said —
Mathias Vanbobber by his Attorney aforesaid And the said Mathias Vanbobber by his said —
Attorney as before defends the force & Injury when &c And saith that the Attorney General