for the Lord Propry the Action aft against him to have or maintain ought not because he-
saith that he the said John hath always from the time of making the Writing aft during
his Continuance in the Office aft well & truly served his Lordship his Heirs & Successors in the
Office of High Sheriff of the County of Cecil within the Province aft & did in all things well and
faithfully execute the same Office & also did render unto 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
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 Lordships Governour as also his Account
of all fees Dues or Sums of Money or Tobacco due to any the good People within this Province
for any Sum or Sums of Money or Tobacco wherewith he the said John was intrusted
during the time of his Sheriffalty for that present or to such as should require the same -
did pass & render by the tenth Day of May then Ensuing the Date of the said Writing
Obligatory & in all other things as Sheriff of the said County of Cecil did behave himself well
& honestly to all Persons according to the best of his power skill & knowledge Viz at Cecil County
aft And this he the said Mathias is ready to verify wherefore he prays Judgment if the said
Attorney for the said Lord Propry his Action aft against him to have or maintain ought &c

And the aft Attorney Generall of the said Lord Propry that now is for the same
Lord Propry followeth for the same Lord Propry saith that by any thing by the aft Mathias
Vanbobber above by pleading alledged the said Lord Propry from having & maintaining the -
Action aft against the said Mathias Vanbobber ought not to be precluded because he saith
that after the making of the Writing Obligatory aft the aft John Smith was Continued High
Sheriff of Cecil County aft from the aft twelfth Day of November in the year of our Lord God Seven-
teen hundred twenty & six until the thirtieth Day of November in the year of our Lord God
Seventeen hundred twenty & seven to wit at Bohemia in Cecil County aft & that the aft -
Samuel Poole by the Name of Samuel Poole at another time to wit the Sixteenth Day of
May in the year of our Lord God Seventeen hundred twenty & seven in the Provincial Court
of the said Lord Propry that now is before Thomas Addison Esqr & his Associates then Justices of
the said Lord Propry of the same Provincial Court at the City of Annapolis in Ann Arundell -
County had recovered against a certain Richard Normansell late of Kent County Gentleman
as well the Sum of One hundred & fifty Pounds ten Shillings & Eight pence Current Money a -
certain Debt as three hundred & thirty five Pounds of Tobacco for his Costs & Damages -
which he had sustained by Occasion of the Detention of that Debt whereof the same Richd
is Convict as by the Record & Process thereof in the said Provincial Court at the said City of
Annapolis now remaining more fully & manifestly appeareth upon which said Judgment
the same Samuel Poole afterward to wit the Seventh Day of June in the year of our Lord-
God Seventeen hundred twenty & seven presented out of the said Provincial Court here a certain
Writ of the said Lord Propry of Capias ad Satisfaciendum bearing Date the third Day of June
in the same year last mentioned to the then High Sheriff of Cecil County aft directed by
which Writ unto the same Sheriff of Cecil County it was Commanded that he should take the aft
Richard Normansell if he should be found within his Bailywick & him safe keep so that he-
should have his Body before the Justices of his said Lordships Provincial Court here to wit at
Annapolis the third Tuesday of October then next ensuing to satisfy unto the same Samuel
Poole as well the aft Debt of One hundred & fifty Pounds ten Shillings & Eight pence which the
same Samuel Poole in the same Court had recovered against him as three hundred and
twenty five pounds of Tobacco which unto the same Samuel Poole in the same Court here
were adjudged for his Costs & Damages which he had sustained by Occasion of the Detention

(of)

of that Debt whereof he was Convict which said Writ the same Samuel Poole afterward & before
the return of the same Writ to wit the first Day of July in the year of our Lord God Seventeen
hundred twenty & seven at Bohemia in Cecil County aft unto the aft John Smith then High
Sheriff of the same County being in the form of Law to be Executed did deliver by Virtue of
which Writ the aft John Smith afterward & before the return of the same Writ to wit the -
first Day of August in the year aft at Bohemia aft in the said County the aft Richard Normansell
did take & arrest & him the same Richard Normansell then & there in prison in Execution for the
Debt Costs & Damages aft had & detained & the aft Richard Normansell in the Custody of the -
said John Smith in form aft being the same John Smith afterward to wit the Sixteenth day of
October in the year of our Lord God Seventeen hundred twenty & seven at Bohemia in Cecil
County aft the aft Richard Normansell out of the Custody of him the said John Smith freely &
voluntarily to escape & at large where he the same Richard Normansell would walk out the -
license & against the Will of the said Samuel Poole to go did permit the same Samuel Poole
of the Debt Costs & Damages aft or of any parcell thereof then or yet being in no sort paid or
satisfyed being Contrary to the Duty of the said John Smith his Office of High Sheriff of Cecil
County aft & the form & effect of the Condition aft whereby he the aft John Smith altho' often
required the aft One hundred & fifty Pounds ten 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 aft & the form & effect of the Condition aft & this for the said Lord -
Propry the said Attorney Generall is ready to verify wherefore he prayeth Judgment for the
Debt aft & 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 verify that the aft -
Samuel Poole is & hath been always hitherto an Inhabitant of the said Province to wit at
Bohemia in Cecil County aft &c —

And the said Mathias Vanbobber saith that by any thing pre alledged the Attorney
Generall the Action aft for the said Lord Propry at the instance of the said Samuel Poole against
him to have & maintain ought not because he saith that the Replication aft & the matter
in the same Contained are altogether insufficient in Law & that he 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
verify wherefore for want of a sufficient Replication in this part the said Mathias -
prays Judgment if the said Attorney Generall the Action aft for the said Lord Propry at -
the instance of the said Samuel Poole to have & maintain ought &c —

And the aft Attorney Generall for that he hath above in his replication —
alledged sufficient matter in Law to have & maintain the Action aft for the said Lord -
Propry against the said Mathias Vanbobber which he is ready to verify which matter the -
aft Mathias Vanbobber 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 aft
& the Damages occasioned by detaining the same Debt unto the same Lord Propry to be
adjudged &c —

Whereupon all & singular the Premises 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 aft for the said Lord Propry against
the said Mathias Vanbobber -

Therefore it is Considered by the Justices here the 21st Day of October
Anno Dom 1729 aft that the said Right Honble the Lord Propry take nothing by his Writ aft & that
the said Mathias Vanbobber go thereof without Day &c And also it is considered that the said
Mathias Vanbobber recover against the aft Samuel Poole at whose request this Action was

(brought)