by Occasion of the detention of that Debt whereof the same Richard is Convict as by the Record & Proofs 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 prosecuted out of the said Provincial Court here a Certain Writ 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 aforesd directed by which Writ unto the same Sheriff of Cecil County it was Commanded that he should take the aforesd Richard Normansel if he should be found within his Bailywick & him safe keep so that he should have his Body before the Justices of his Lordships Provincial Court here to wit at Annapolis the third Tuesday of October then next ensueing to satisfye unto the same Samuel Poole as well of the aforesd 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 & ninety 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 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 aforesd unto the aforesd John Smith then High Sheriff of the same County being in due form of Law to be executed did deliver by Virtue of which Writ the aforesd John Smith afterward & before the return of the same Writ to wit the first Day of August in the Year aforesd at Bohemia aforesd in the said County the aforesd Richard Normansel did take & arrest & him the same Richard Normansel then & there in Prison in Execution for the Debt Costs & Damages aforesd had & detained & the aforesd Richard Normansel in his Custody of the said John Smith in form aforesd 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 aforesd the aforesd Richard Normansel out of the Custody of him the said John Smith freely & voluntarily to escape & at large go whereso he the same Richard Normansel would without License & against the Will of the said Samuel Poole to gadd permit the same Samuel Poole of the Debt Costs & Damages aforesd or any parcell thereof then or yet in no Sort paid or satisfyed being Contrary to the Duty of the said John Smith his Office of High Sheriff of Cecil County aforesd & the form & Effect of the Condition aforesd Wherefore he the aforesd John Smith altho often required the aforesd One hundred & fifty Pounds ten Shillings & Eight Pence & Nine 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 aforesd & the form & Effect of the Condition aforesd And this for the said Lord Proprey the said Attorney Generall is ready to verifye Wherefore he prayeth Judgment for the Debt aforesd & the Damages by occasion of detaining the same Debt unto the said Lord Proprey to be adjudged &c with this that the same Attorney Generall doth verifye that the aforesd Samuel Poole is & hath been always hitherto an Inhabitant of the said Province to wit at Bohemia in Cecil County aforesd &c—

And the said Peter Bourchello saith that by any thing pr allodged the Attorney Generall the Action aforesd for the said Lord Proprey at the instance of the said Samuel Poole against him to have & maintain ought not because he saith that the Replication aforesd & 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 verifye Wherefore for want of a Sufficient Replication in this part the said Peter prays Judgment if the said Attorney Generall this Action aforesd for the said Lord Proprey at the instance of the said Samuel Poole to have & maintain ought &c —

And the aforesd Attorney Generall for that he hath above in his replication alleged (sufficient)

sufficient Matter in Law to have & maintain this Action aforesd for the said Lord Proprey against the said Peter Bourchello which he is ready to verifye Which matter the aforesd Peter Bourchello hath not gainsayed nor thereunto in any sort answered but the same to admit for true hath altogether refused as before prayeth Judgment for the Debt aforesd & the Damage occasioned by detaining the same Debt unto the same Lord Proprey to be adjudged &c —

Whereupon all & singular the Premisses being by the Court here soe heard fully understood & mature Deliberation thereupon had for that it seems to the Court of the Lord Proprey here that the said Attorney Generall hath not above in his replication alledged Sufficient matter in Law to have & maintain the Action aforesd for the said Lord Proprey against the said Peter Bourchello—

Therefore it is Considered by the Justices here the 21st Day of October Anno Dom 1729 aforesd that the said Right Honble the Lord Proprey take nothing by his Writ aforesd And that the said Peter Bourchello go thereof without Day &c And also it is Considered that the said Peter Bourchello recover against the aforesd Samuel Poole (at whose request this Action was brought) the Sum of

506 Pounds of Tobacco by the Court here adjudged unto him for his Costs and 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 —

Alexander Frazer & Ann Arundell County ss:

Thomas Colmore } Be it Remembred that heretofore to wit this twenty first Day of May Anno Dom 1728 Thomas Colmore late of Calvert County Gent otherwise Called Thomas Colmore of London in the Kingdom of Great Britain but now but now of this Province aforesaid Merchant was Summoned to answer unto Alexander Frazer of a Plea that he render unto him the Sum of two hundred Pounds Sterling which to him he owes & unjustly detains &c —

And Whereupon the same Alexander Frazer by William Cumming his Attorney saith that whereas the aforesd Thomas Colmore on the twentieth Day of May Anno Domini Seven hundred & twenty Seven at Ann Arundell County aforesd by his Certain Writing Obligatory did acknowledge himself to be held & firmly bound unto the aforesd Alexander Frazer in the aforesd Sum of two hundred Pounds Sterling to be paid unto the said Alexander Frazer when afterwards he thereunto should be required Nevertheless the aforesd Thomas Colmore altho often required the aforesd Sum of two hundred Pounds Sterling to the same Alexander Frazer hath not paid but the same to him to him to pay hath refused & still doth refuse Whereupon he saith he is the worse & has lost to the value of four hundred Pounds Sterling & thereof he brings the Suit &c And he brings here into Court the Writing aforesd which the Debt aforesd in form aforesd doth testifye whose Date is the Day & Year above written &c —— Pledges &c John Doe & Richd Roe —

And the aforesd Thomas Colmore by Edmund Jennings 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 Vizt

The Condition of the above Obligation is such that if the above bound —— Thomas Colmore his Heirs Executors and Administrators & every of them do & shall for his & their parts stand to obey abide observe & in all & by all things well & truly perform & accomplish the Award Arbitrament Order Determination final End & Judgment of Edmund Jennings & William Cumming of the City of Annapolis in Ann Arundell County & Province aforesd Joint Arbitrators indifferently Chosen Elected & named as well on the Part & behalf of the above said Thomas Colmore as on the part & behalf of the above named Alexander Frazer to award arbitrate (Order)