Glebe to the use of the Ministers of Such Parish for the time being who shall be law:
:fully inducted & appointed according to the Usage of the Church of England & this
Province & if there shall happen in any Parish to be Tobacco over & above answe=
=ring the Ends aforesaid it shall be imployed to the improvement & Stocking Such Glebe
as the Vestry shall Judge most proper. And forasmuch as by the said recited Act
there is nothing allowed to the Sheriff for Collecting the said forty Pounds of Tob:
per poll and paying the Same to the Incumbent or Vestry Be it Enacted by the
Authority aforesaid that the Sheriff of Each respective County shall have allowed him
or them out of the said Forty Pounds of Tobacco per poll which they shall pay to
Such Vestry or Incumbent Five Pounds of Tobacco per Cent for Collecting & paying
the Same & no more any Law Statute or Usage to the Contrary notwithstanding
They likewise find that the County Levy was laid in November Seventeen hundred
& thirty one for Anne Arundell County wherein St James' Parish is and so in the
Month of November yearly. They also find that the Defendant by Virtue of his
Office & the bond mentioned in the Proceedings was only Chargeable with the
Levy laid in November Seventeen hundred & thirty three & no other. They also
find that the Plaintiff Peter Justian the Twenty Sixth Day of August Seventeen
hundred & thirty Two imbarked in Order to go to England & accordingly departed &
never afterwards returned into this Province. It does not appear to them that the
said Peter Justian ever within Two Months after his Admission into the said
Parish or at any other time during his possession of the said Parish declared his
Assent & Consent to the book of Common Prayer according to the Statutes of the 13th
of Queen Elizabeth & the 13th & 14th of Charles the Second or that he had any
Dispensation or Qualification for not making the Declaration mentioned
in the said Acts that appear to them or that the said Peter Justian ever took
the Oaths to the Government. That it does not appear to them that the said
Peter Justian was ordained according to the Laws of England And if upon the
whole Matter the Law be with the pltff they find that the Defendant doth
owe to the said Peter Justian the Quantity of thirty five thousand five
hundred & Sixty Pounds of Tobacco But if the Law be with the Defendant
then they find for the Defendant.

Thos Stockett foreman.

But for that the Court there are not advised of rendering their Judgment of & upon
the Verdict & Premises aforesaid Day is therefore given to the said parties pltff & Deft to
hear thereof their Judgment untill next Court for that the said Court as yet are not
At which said next Court to wit the 16th Day of May Anno Domini 1738
Comes again as well the said Richard Francis Attorney for the said Lord Propry
who pr Assts the said Nicholas Maccubbin by his Attorney aforesaid Whereupon all &
Singular the Premises being by the Court here seen heard & fully understood
& mature deliberation thereupon had for it seems to the Court here that
the Law in the Verdict & premises aforesaid is with the Defendant.

Therefore it is Considered by the Justices here the 16th Day of May
Anno Domini 1738 aforesaid that the said Right Honble the Lord Propry take nothing
by his Writ aforesaid And that the said Nicholas Maccubbin go thereof without
Day And also it is Considered that the said Nicholas Maccubbin recover —

(against)

against Peter Justian the Person at whose request this Action was brought —
the Sum of

49284 Pounds of Tobacco by the Court here unto him on his Assent adjudged —
for his Costs & Charges by him about his Defence in this behalf laid out & expended
&c.

Afterwards to wit in the Same Court or Term the said Lord Propry by his —
Attorney aforesaid prays an Appeal from the Judgment aforesaid as aforesaid to the
High Court of Appeals which is accordingly granted And it is Ordered by the Court
here that the Record & Proceedings in the premises aforesaid be transmitted to the
Court of Appeals accordingly.

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22. The Lord Propry { Maryland ss. William Holland of Calvert County Gent —
v. otherwise Called William Holland of Calvert County Gent
23. William Holland } was Summoned to answer unto the Right Honble the Lord
Propriatary of this Province of a plea that he render unto him
Eight thousand pounds Sterling money which he owes & unjustly detains.

And thereupon Daniel Dulany Esqr Attorney General of the said —
Lord Propry who for the said Lord Propry in this behalf followeth Saith that whereas
the said William Holland the Twenty fourth Day of March in the Eighteenth
year of his said Lordships Dominion & Among Dom Seventeen hundred &
thirty two at Anne Arundell County in the Province aforesaid by his Certain Writing
Obligatory Granted himself to be held & firmly bound unto the said Lord Propry
in the said Eight thousand Pounds Sterling money to be paid to the said Lord Propry
when thereunto required Yet the said William Holland altho often required the
said Eight thousand Pounds Sterling Money or any part thereof to the said Lord —
Propry hath not yet rendered but the same to the said Lord Propry hitherto to —
render hath Gainsayed & still doth Gainsay to the Damage of the said Lord —
Propry ten thousand pounds like money And therefore this Suit is brought.

D Dulany

And the said William Holland by Edmund Jennings his Attorney Comes & —
defends the force & injury when &c And prays a hearing of the Writing Obligatory
aforesaid which is read unto him He also prays a hearing of the Condition of the Writing
Obligatory aforesaid which is also read unto him in those Words Viz. The Condition of the
above Obligation is Such that if the above bound Eliza Holland Wm Holland and
Thos Holland Executors of the last Will and Testament of Coll Wm Holland late of Anne
Arundell County deceased do make or Cause to be made a true and perfect Inventory
of all and Singular the Goods Chattels Rights and Credits which were of the deceased
at the time of his Death according to Law (apprais'd in Money) together with a
List of the Debts Sperate and Desperate & the same so made do Exhibit or Cause to be
Exhibited into the Office for Probate of Wills &c at or before the 24th Day of June next
Ensuing and the Same Goods Chattels & Credits do well & truly Administer viz do
pay the Debts of the said Deceased which he did owe at the time of his Decease as —
also all Such reasonable Charges and fees as have arisen or shall arise & become

(due)