Centum therein as by the said Act Relation thereunto being had may (amongst other things) more fully appear By Virtue whereof thirty seven Pounds five Shillings and one Penny three farthings Current Money he the aſd Edward afterwards to wit on the Tenth Day of May in the Year of our Lord seventeen hundred and forty one at the County aſd as Sheriff as aſd of and from the several Taxables of the said County did Collect and Levy and which last mentioned Sum the said Edward ought by the Duty of his said Office (after Deducting One Pound fifteen Shillings and five Pence three farthings Current Money thereout for his said Salary) to have paid to the said Commissioners or Trustees on or before the last Day of the aſd May seventeen hundred and forty one aſd And the aſd Attorney General further saith that during the Continuance of the said Edward in the said Office he the said Edward by one other Act of Assembly of this Province made and Passed at a Session of Assembly begun and held at the City of Annapolis the Seventh Day of July in the Year seventeen hundred and forty aſd Entituled an Act for Raising and Sinking Money for maintaining his Majesty's Forces to be Raised in this Province and for Inlisting them to the Place of Rendezvous in the West Indies was as Sheriff of the said County at the County aſd required and Obliged by Virtue of his said Office to Receive and Collect from the several Ordinary Keepers in the said County the Sum of fifteen Pounds Current Money to be by them Paid for Obtaining Licences to keep Ordinary in the County aſd And the same to Pay to the Commissioners or Trustees aſd for which Collecting and Paying the aſd Edward was by the said Act impowered to take and Receive a Commission after the Rate of five Pounds per Centum and no more as by the said last mentioned Act Relation being thereunto had may (amongst other things) more fully appear Which Sum of fifteen Pounds Current Money he the said Edward afterwards to wit on the Tenth Day of May in the Year of our Lord seventeen hundred and forty one aſd at the County aſd as Sheriff as aſd of and from the several Ordinary Keepers in the said County did Receive and Collect And which last mentioned Sum the said Edward ought by the Duty of his said Office (after Deducting fifteen Shillings Current Money thereout for his said Commission) to have paid to the said Commissioners or Trustees Nevertheless the aſd Edward the Sum of thirty five Pounds nine Shillings and Eight Pence Current Money Residue of the aſd Sum of thirty seven Pounds five Shillings and one Penny three farthings or the Sum of fourteen Pounds five Shillings like Money Residue of the aſd Sum of fifteen Pounds to the Commissioners or Trustees aſd (altho often required) hath not paid but the same to them to Pay hath always hitherto Refused and still doth Refuse and detain Contrary to the true Intent and meaning of the Condition of the said Writing and this he the said Attorney General is Ready to Verify &c And therefore prays Judgment for the Debt aſd together with the Damages Sustained by Occasion of the Detention of that Debt to the said Lord Proprietary to be Adjudged &c

And the aſd Elizabeth Trippe Admx as aſd by her Attorney aſd Protesting that the Replication aſd and the matter therein Contained are altogether insufficient in Law to which she has no need nor by the Laws of the Land is she in any manner held to Answer for Plea by way of Rejoinder Nevertheless she saith that before the Impetration of the Original Writ in this Cause to wit the tenth Day of May in the Year of our Lord One thousand seven hundred and forty one at the County aſd he the said Edward did Pay unto the Commissioners or Trustees aſd the said

(Sums)

Sums of thirty five Pounds nine Shillings and Eight pence Current Money of Maryland and fourteen Pounds five Shillings like Money and of this she puts herself upon the Country &c And the Elk aſd also

Whereupon the said Elizabeth Trippe Administratrix as aſd by her Attorney aſd Offers herself ready for Tryal against the aſd Henry Darnall Esqr his Lordships Attorney General who &c on behalf of his Lordship in the Plea aſd But the said Henry Darnall Esqr his Lordships Attorney General who &c altho Solemnly called comes not but makes Default

Therefore it is Considered by the Justices here that the said Lord Proprietary take nothing by his Writ aſd And that the said Elizabeth Trippe Admx as aſd go thereof without Day &c

Mem. Robert Gordon and George Steuart Esqrs withdrew from the Bench on Rendering the above Judgment

Test R Bordley Clk

Ex dd The Lord Proprietary } Maryland ss
Ely John Trippe Admx } Anne Trippe late of Dorchester County Widow Administratrix of all and Singular the Goods and Chattels Rights and Credits of John Trippe late of Dorchester County Gent Dece who Died Intestate as it is said otherwise lately called John Trippe of Dorchester County in the Province aſd was Summoned to Answer unto the Right Honourable the Lord Proprietor of the aforesaid Province of a Plea that she render unto him the full Sum and Just Quantity of Two Hundred Thousand Pounds of Good Sound Merchantable Leaf Tobacco and Cask which from him she unjustly detains &c And Whereupon Henry Darnall Esquire Attorney General of the said Lord Proprietary who for the said Lord Proprietary in this Behalf followeth saith That Whereas the aſd John Trippe in his life time to wit on the twelfth Day of July seventeen hundred and forty at Dorchester County aſd by his certain Writing Obligatory acknowledged himself to be held and firmly Bound unto the said Lord Proprietary in the aſd full Sum and Just Quantity of Two Hundred Thousand Pounds of Good Sound Merchantable Leaf Tobacco and Cask to be paid unto the said Lord Proprietary when afterwards he should be thereunto required Nevertheless neither the aſd John Trippe in his life time nor the aſd Ann Trippe since the death of him the said John (to which said Ann Trippe the Administration of all and Singular the Goods and Chattels which were of the aſd John Trippe at the time of his Death was at the County aſd after the Death of him the said John Trippe in due form of Law Committed) although often thereunto Required the aſd Sum of two Hundred Thousand Pounds of Good Sound Merchantable Leaf Tobacco and Cask unto the said Lord Proprietary hath Rendered or Paid but the same to the said Lord Proprietary to Render or Pay they have altogether Refused and the said Ann Trippe the same to Render or Pay still doth Refuse to the Damage of the said Lord Proprietary five Hundred Pounds Current Money of Maryland and thereupon he brings Suit &c And the said Attorney General of the said Lord Proprietary brings here into Court the Writing Obligatory aſd Sealed with the Seal of the aſd John Trippe which the Debt aſd in form aſd Witnesseth whose Date is the Day and Year aſd

H Darnall

And the said Ann Trippe Administratrix as aſd by Charles Goldsborough her Attorney comes and defends the force and Injury when &c And prays a hearing of the Writing Obligatory aſd and it is read unto her she prays also a hearing of the Condition of the said Writing Obligatory aſd and it is read unto her in these words Viz The Condition of

(the)