And the afsd Attorney General saith that the Plea afsd by the afsd William in manner and form afsd above in his Rejoinder Pleaded and the matter in the same contained are no ways sufficient in Law to Preclude the same Lord Propry. from having his Action afsd thereof against him the said William to which said Plea he hath no need nor by the Law of the Land is in any wise held to Answer and this the said Attorney General on behalf of the said Lord Propry. is ready to Verify wherefore forasmuch of a Sufficient Rejoinder in this behalf the same Attorney General on behalf of the said Lord Propry. prays Judgment for the Debt afsd and the Damages Sustained by Occasion of detaining the same Debt to the said Lord Proprietary to be Adjudged pr.

And the afsd William saith that the Plea afsd by him the said William in manner and form afsd above in his Rejoinder Pleaded and the matter in the same contained are good and sufficient in Law to Preclude the same Lord Propry. from having his Action afsd thereof against him the said William which said Plea and the matter in the same contained he the said William is ready to Verify pr. And because the same Attorney General hath not Answered to that Rejoinder nor the same hitherto hath any way denied the same William as before prays Judgment and that the same Lord Propry may be Precluded from having his Action afsd against him the said William

Whereupon all & singular the Premises being by the Court here soon heard fully understood and mature deliberation thereupon had For that it seems to the Court here That the Plea afsd by the afsd Attorney General on behalf of the said Lord Propry. in manner and form afsd above in his Replication Pleaded and the matter in the same contained are no ways sufficient in Law for the said Lord Propry. to have or maintain his Action afsd thereof against the afsd William

Therefore it is Considered by the Justices here that the said Lord Propry. take nothing by his Writ afsd but that the said William Thornton go thereof without day &c. And it is also Considered that the said William Thornton recover against the Vestry of Westminster Parish in Ann Arundell County (at whose request this Suit was brought) the sum of

000 75. Pounds of Tobacco by the Court here unto him on his Apeal Adjudged for his Costs and Charges by him about his defence in this behalf laid out and expended And that he have thereof his Execution pr.

Mem.d Capt Gordon withdrew from the Bench on the Argum.t hereof

Test A Burgess Clk

Ann Dom. 1751 The Lord Propry. ad. John Ross Esq.r

Mary land ss. John Ross late of the City of Annapolis and Province aforesaid Gentleman thereunto called John Ross Esq.r of the said County in the Province afsd was Summoned to Answer unto the Right Honourable Charles Lord Baron of Baltimore of a Plea that he render unto him Two hundred Thousand Pounds of good Sound Merchantable leaf Tobacco & Cask which to him he oweth & unjustly detaineth pr.

And Whereupon Henry Darnall Esq.r Attorney General of the said Lord Propry. who for the said Lord Propry. in this behalf followeth saith that whereas the said John Ross on the nineteenth day of December in the Year of our Lord Seventeen hundred & forty six) at Ann Arundell County afsd by his certain Writing Obligatory acknowledged himself to be held and firmly Bound unto the said Lord Propry. in the full Sum and just Quantity of Two hundred Thousand Pounds of good Sound Merchantable leaf Tobacco

(and)



and Cask to be paid to the said Lord Proprietary when afterwards he should be thereunto required Nevertheless the afsd John Ross althe often required the afsd full Sum and Just Quantity of Two hundred Thousand Pounds of good Sound Merchantable leaf Tobacco & Cask afsd or any part thereof to the said Lord Propry. hath not rendered but the same to the said Lord Propry. to render hath refused and still doth refuse to the Damage of the said Lord Proprietary Two hundred Thousand Pounds of good Sound Merchantable leaf Tobacco & Cask afsd and thereof he brings the Suit &c. and the said Attorney General of the said Lord Propry. brings hereunto Court the Writing Obligatory afsd Sealed with the Seal of the said John Ross which the Debt afsd in form afsd Witnesseth the Date of which is the day & Year aforesaid

Pledges pr. { John Doe, Richd Roe }

And the afsd John Ross by Stephen Bordley his Attorney comes & defends the Force & Injury when pr. and prays a hearing of the Original Writ of the same Lord Propry. against him the said John Impetrated and he hath it in these Words Viz. Maryland ss. Charles Absolute Lord and Propry. of the Provinces of Maryland and Avalon Lord Baron of Baltimore pr. to the Sheriff of Ann Arundel County Greeting We Command you that you take John Ross late of the City of Annapolis and Province aforesaid Gentleman otherwise called John Ross Esq.r of said County in the Province aforesaid if he shall be found in your Bailiwick and him safe keep so that you have his Body before the Justices of our Provincial Court to be held at Annapolis the third Tuesday of October next to Answer unto us of a Plea that he render unto us two hundred Thousand Pounds of good Sound Merchantable leaf Tobacco and Cask which to us he oweth and unjustly detaineth pr. Hereof fail not at your Peril, and have you then & there this Writ Witness Benjamin Young Esq. Chief Justice of our Provincial Court the 27th Day of May in the 35th Year of our Dominion pr. Anno q. Dom. 1749.

He prays also a hearing of the Writing Obligatory afsd and he hath it pr. he prays also a hearing of the Condition of the same Writing Obligatory and it is read unto him in these Words following Viz. The Condition of the above Obligation is such that if the above Bounden William Thornton do well and truly serve his Lordship the Lord Propry. of the Province afsd his Heirs & Successors in the Office of a high Sheriff of the County of Ann Arundel within the Province afsd and in all things well and faithfully execute the same Office and also shall render unto his Lordship and other his Officers a true perfect and faithfull Account of their Fees that he shall or may be entrusted with by his said Lordships Governor and other his Officers within this Province to receive and Collect and his Account to his said Lordship his Heirs and Successors and to his and their Governor here for the time being for the Fines & Forfeitures and other dues belonging to his said Lordships Governor as also his Account of all Fees Dues and Sums of Money or Tobacco wherewith the said Sheriff shall be Entrusted during the time of his Shrievalty for this present or to such of them as shall require the same shall pass and render by the Tenth day of May next ensuing the Date hereof and in all other things as Sheriff of the County of Ann Arundel shall behave himself well and Honestly to all Persons according to the best of his Power Skill and Knowledge then this Obligation to be Void and of none Effect or else to stand in full force strength & Virtue

Which being read and heard the said John Ross saving to himself all manner of Advantage as well to the Writ as to the Declaration afsd prays leave to Imparle hereunto untill next Court and he hath it and the same day is given to Henry Darnall Esq.r Attorney General of the said Lord Propry. who pr. also

(At)