mentioned on the part of him the said Richard to be performed observed and fulfilled according to the form and effect of the Condition aforesaid And protesting also that the said first plea of the said Thomas Sligh above in manner and form aforesaid pleaded is not sufficient in law to preclude him the said David from having and maintaining his Action aforesaid to which same plea in manner and form aforesaid above pleaded he is under no necessity nor by the Law of the Land bound in any manner to Answer for plea by way of Replication to the same first plea the same David Rejoyns that he with that the aforesaid Richard Rutter was and continued Deputy Sheriff under him the said David in Baltimore County aforesaid in the aforesaid Hundreds of Middle River Upper Back River Upper and Back River Lower from the Day of seventeen hundred and to the end of November Court next ensuing the Date of the Writing Obligatory aforesaid to wit until the Day of seventeen hundred and fifty seven at Baltimore County aforesaid and that during the Continuance of the said Richard Rutter in his Office as Deputy Sheriff aforesaid after the making the Writing Obligatory aforesaid and before the end of November Court aforesaid to wit on the Day of seventeen hundred and fifty seven aforesaid at Baltimore County aforesaid he the said David did intrust him the said Richard Rutter as Deputy Sheriff aforesaid to collect and receive of and from sundry of the Inhabitants of the said three Hundreds the sums of Tobacco Sterling and Current Money which were due and owing to him the said David as Sheriff aforesaid of and from the said Inhabitants of the said three Hundreds which said several sums of Tobacco and Money he the said Richard Rutter afterwards and before the impetration of the Writ Original of him the said David in this Cause to wit on the Day of seventeen hundred and fifty seven aforesaid at the County aforesaid of and from the said Inhabitants of the said three Hundreds did collect and receive And that during the Continuance of the said Richard Rutter in his Office as Deputy Sheriff aforesaid after the making the Writing Obligatory aforesaid before the impetration of the Writ aforesaid and before the end of November Court aforesaid to wit on the Day of seventeen hundred and fifty seven aforesaid at the County aforesaid he the said David did intrust him the said Richard Rutter as Deputy Sheriff aforesaid to collect and receive of and from sundry other of the Inhabitants of the said three hundreds other sums of

(Tobacco)

Tobacco Sterling and Current Money which were likewise due and owing to him the said David as Sheriff aforesaid from the same Inhabitants And that he the said Richard Rutter during his Continuance in his Office of Deputy Sheriff aforesaid after the making the Writing Obligatory aforesaid before the impetration of the Writ Original aforesaid and before the end of November Court aforesaid to wit on the Day of seventeen hundred and fifty seven aforesaid at the County aforesaid did as Deputy Sheriff aforesaid receive for the use of him the said David of and from sundry and many the Inhabitants of the said County three and sundry other sums of Tobacco Sterling and Current Money which had given due to him the said David M'Culloch as Sheriff aforesaid for fees on and for the service of sundry and many Executions and Warrants by him the said Richard Rutter as Deputy Sheriff aforesaid served amounting to the sums of Tobacco Sterling and Current Money And that he the said Richard Rutter during his Continuance aforesaid in his Office of Deputy Sheriff aforesaid after his making the Writing Obligatory aforesaid before the impetration of the Writ Original aforesaid and before the end of the said November Court to wit on the Day of seventeen hundred and fifty seven aforesaid at Baltimore County aforesaid did as Deputy Sheriff aforesaid receive of and from sundry Inhabitants of the said three hundreds other sums of Tobacco and Current Money for Levies omitted by the Constables of the said Hundreds Nevertheless the said Richard Rutter any Account or payment of the said several sums of Tobacco and Money or either of them or any part of either of them to him the said David hath not rendered or made (altho so to do he the said Richard Rutter was afterwards and before the impetration of the Writ Original to wit on the Day of seventeen hundred and fifty seven aforesaid and often afterwards at Baltimore County aforesaid by the said David requested) But Such accounts and payments of the said several sums of Tobacco and Money to render and make he then and there and always hitherto hath refused and still doth refuse contrary to the form and effect of the Condition aforesaid and this he is ready to verify and so forth whereupon he prays Judgment and his Debt aforesaid together with his Damages occasioned by the detention of that Debt to him be adjudged and so forth &c

And the said David as to the second plea of him the said Thomas above pleaded saith that he by any thing by him the said Thomas in the same second plea alledged from having and maintaining his Action aforesaid to be precluded ought not because protesting that he the said Richard Rutter hath not well and truly from time to time and at

(all)