Hodijah as Deputy Sheriff and Deputy Collector of and in the Hundreds aforesaid after the making of the writing obligatory aforesaid and before the Impetration of the original writ of the said Peter in this cause impetrated did demand, collect and receive from the several persons from whom the same was due and payable, but the said sums of one hundred and fifty three pounds seventeen shillings and nine pence half penny current money and sixty one thousand three hundred and forty one pounds of Tobacco or any part of them or either of them altho' often thereto requested to him the said Peter to pay or deliver the said Hodijah hath refused and still doth refuse; and this the said Peter is ready to verify; Wherefore he prays judgment and his debt aforesaid together with his damages by reason of the detention of said Debt to him to be adjudged and so forth; And as to the second plea of him the said Hodijah by any thing therein alledged, the said Peter saith he ought not to be precluded from having his action aforesaid because the said Peter says the said second plea and the matter therein contained are not sufficient in Law to preclude him the said Peter from his action aforesaid against him the said Hodijah had and that he the said Peter hath no necessity nor is bound by the Law of the Land in any manner to answer to That plea in manner and form aforesaid pleaded for that the said plea is double inconsistent and absurd and for that the said plea doth plead performance affirmatively and negatively and that the plea aforesaid is uncertain and wants form And the said Peter Mantz by attorney aforesaid withdraws his Demurrer aforesaid to the second plea of the said Hodijah Collins above set forth and saith That by reason of any thing in the said second plea of the said Hodijah contained as above pleaded he from having and maintaining his said action against the said Hodijah Collins to be precluded ought not because protesting That the said Hodijah did not well and truly Execute all precepts directed to the Sheriff of Frederick County in the said Hundreds, in the writing obligatory aforesaid and condition aforesaid mentioned

against or for any person or persons within the Hundreds aforesaid, and make true and due return thereof as his Oath, and the Law required, or as the worshipful the Justices of Frederick County Court or as the said Peter Mantz did from time to time order and direct, and protesting also That he did not account for with and pay and satisfy him the said Peter Mantz all sums of money and Tobacco which he the said Hodijah was entrusted with or entitled to receive, or ought to have collected and received as Deputy Sheriff under the said Peter and protesting also that the said Peter Mantz was damnified by reason of sundry suits, damage, costs and charge occasioned by the neglect or misconduct of him the said Hodijah in the execution of his duty as Deputy Sheriff and collector, and protesting also that in all other things as a Deputy Sheriff of Frederick County he the said Hodijah did not demean himself well and honestly towards all persons, according to the best of his skill and knowledge so long as he the said Hodijah continued to act as such under him the said Peter Mantz taxed at Frederick County aforesaid, as the said Hodijah by his second plea hath alledged. Nevertheless for plea by way of replication the said Peter saith That at the time of making the said writing obligatory in the Declaration aforesaid mentioned and long before and thereafter he the said Peter was High Sheriff of Frederick County aforesaid and Collector of the public Taxes, and of the Officers and Lawyers fees due from the Inhabitants of the said County entrusted to the said Peter Mantz to collect and receive; and at the time of making the said writing obligatory and for a long time before, and thereafter he the said Hodijah was Deputy Sheriff and Deputy Collector under the appointment and authority of the said Peter in Unity Hundred, Burnt House Woods Hundred, Manor Hundred, Israel Creek Hundred, Pipe Creek Hundred, Westminster Hundred, Taney Town Hundred and Piney Creek Hundred, in Frederick County aforesaid, and that after the Execution of the writing obligatory aforesaid mentioned, and during the continuance of the said Hodijah under the appointment of said Peter, as Deputy