

his proper mark thereon, And for that diuers doe make it their Business and part of their liuelyhood to range the woods under presence of getting up their owne or some other persons Horses Mares or other Cattle and finding or meeting wth any such beast unmarkt be it belonging to any person wthsoever doe frequently mark the Same wth his their or some other marke by which the true Owner cannot lay Claime to the said Beast oftentimes to his great damage & losse thereof

Wherefore for preuencon for the future it is this day Ordered by the aforesaid Justices That if any person or persons wthsoever, shall hereafter take up any unmarkt horses mares or Other Cattle and lay Claime thereunto as his hers or their proper Goods, shall before they doe inuest themselues therewith by marking the same (or otherwise) repaire to the sherriff of that County and before him make it Justly appeare that hee she or they are the true Owners of & haue a property in the said Mare, Horse or other Beast soe by him or them taken up or Claim'd as afores^d.

And such sherriff and all other sherriffs as are or shall be wthin this prouince are hereby Enjoynd to take notice of the same whensoever they are thereunto by any such person required

The Court is adjourn'd untill The afternoon

All the Justices present as in the morning

John Anderton plaintiffe } Morecroft p̄ quer̄ } Accon of the Case
 Thomas Hinson defendant } Jenifer p̄ defendt }

For that the def^t being sherriff of Talbott County was accountable to the L^d Proprietary the perquisitts and quittrents of his Bayliwick out of wth was to be paid to th^e p^{ft} Three Thowsand pounds of tobacco upon a Note charg'd on the def^t from the Leiutenn^t Generall in th^e yeare One Thowsand Six hundred Sixty Six

And the said Thomas by Daniel Jenifer his Attorney Comes & defends the force & Injury when &^c and for plea Saith, that th^e p^{ft} ought not to haue or maintaine his accon &^c: because hee saith that as hee was receiuer and Accomptable to the Lord Prop^r for diuers and sundry perquisitts & quittrents of his Bayliwick to be Collected in To^b: in the afores^d County of Talbott soe is hee not any wayes [p. 675] Obleiged or liable to discharg or reimburse himselfe then by & wth the selfesame tobacco that he shall soe receiue or Collect as aforesaid, Wherefore the said Thomas for plea further saith that deny he Cannot but a Note from the Leiut^t Generall to him was brought for the paym^t of Three Thowsand pounds of to^b: to the p^{ft}: out of the afores^d perquisitts & quittrents of his Bayliwicke upon which Consideracon the same was Honn^d and Accepted wth paym^t often tender'd by the defend^t, who allwayes was and still is ready to make paym^t wth the same tobacco then tender'd and by th^e defend^t Collected as