

Liber N N Jn^o Cooper }
 ag^t }
 Michael Miller }
 Kenelm Cheseldyn }
 ag^t }
 p. 322 Edw^d English adm^r Roger Thorpe } }

Samuel Bagbey } This action being comēced in the County
 ag^t } Court of Ann Arundell County by the said
 Thomas Smithwick } Samuel against the defendant Smithwick in an
 action of trover & conversion for a Gunn and
 the plaintiff was there nonsuited upon the Same, whereupon the
 said Samuel did pray an appeale to this Court and it was granted
 him. And the said Samuel having given security for the prosecu-
 tion of the said Appeale the appealant in pursuance of an Order of
 this Court filed his declaration anew in these words vizt

Thomas Smithwick late of Ann Arundell County was Sumōned
 to answer unto Samuel Bagbey of a plea of Trover & conversion &c.

And whereupon the Said Samuel Bagbey by George Parker his
 Attorney Saith that whereas the said Samuel Bagbey the twentieth
 day of October in the yeare of Our Lord God One thousand Six
 hundred Seventy five was possessed of One Gunn about five foot
 by the barrell marked with N : B : with a brasse plate about the Stock
 of the Said Gunn of the value of foure hundred pounds of tobacco
 as of his owne proper goods & the Said Samuel being thereof so
 possessed the said Gunn afterwards out of his possession Colonell
 Samuel Chew did impresse for the service of the Country against
 the Indians and was casually lost which said Gunn afterwards to wit
 about the tenth day of Septem^r in the yeare of Our Lord God 1676
 to the hands of him the said Thomas Smithwick by finding came,
 which said Gunn the said Thomas though often required to wit in
 the month of September 1676 to him to deliver hath refused & Still
 doth refuse to the great damage of him the said Samuell whereupon
 he Saith he is dampnified & hath losse to the value of Eight hundred
 pounds of tobacco & thereupon he bringeth his suite.

And the Said Thomas Smithwick by Thomas Bland his Attorney
 cometh & defendeth the force & injury when &c and Saith he is not
 guilty of the trover & conversion in manner & forme as is specified
 in the declaration & thereupon he putts himselfe upon the judgment
 of the Court & the plaintiff likewise.

Now here at this day to witt at s^t Maries the three & twentieth day
 of June in the second yeare of the Dominion of Charles Lord Balte-
 more &c Annoq̄ Doñ 1677 It is granted by the Court here that the
 said Samuel Bagbey recover against the Said Thomas Smithwick
 the Gunn aforesaid or three hundred pounds of tobacco damages
 occasioned by the Suite aforesaid together with One thousand ninty
 & Eight pounds of tobacco costs of Suite.