

William Dare sued John Brooke, chirurgion, administrator of William Worgan, for 8000 pounds of tobacco on a bond. The condition of the bond was the delivery of 20,000 pipe staves "all of them every way good & fitt & proper for the Barbados trade" (*post*, pp. 258-259), and the Court said Dare should recover the 8000 pounds debt against Worgan's estate. Pope Alvey sued John Jordaine for 2000 pounds of tobacco on a bond for the delivery of 800 feet of good popular plank, but in court, Alvey came not to prosecute, and Jordaine was given an undetermined amount for his costs (*post*, pp. 161-162). In the same way, John Paler sued Thomas Robinson for 4000 pounds of tobacco which he said Robinson owed and unjustly detained. The condition of the writing obligatory was "such that if the above bounden his Ex^{rs} or Admrs or assignes doe buy & deliver unto the said John Paler one new hand man Servant betwixt seventeen & twenty three yeares being a healthfull & sound hand within fifteen or twenty dayes after arrival of the first Shipp in Wiccocomico River in the County aforesaid with Servants in her to be sold, that then this present obligacon to be void & of none effect Or else to remaine in full power force & vertue". Paler did not get his man servant, and thereupon he sued Thompson. Thompson tried to bring in a third party, but Paler denied that he was acting in trust for anyone else, and claimed that the bill was upon a good consideration which he had satisfied. When the Court saw and understood the premises, they said "that the said John Paler recover ag^t the said Thomas Robinson as well the sume of foure thousand p^{ds} of tobacco debt [for which Paler had sued] As also six hundred & sixteen p^{ds} of tobacco costs of suite" (*post*, pp. 377-378). Pipe staves or poplar plank or a healthy man servant were all the same to the Court.

Servants could be replevied, also, if the injured party preferred to get his servant back rather than to get damages for his detaining. There are instances here of both sorts of action for a servant unlawfully detained. Clement Hill, once sheriff of St. Mary's and in 1676 member of the Lower House of Assembly, was attached by John Blakiston for "taking away one man servant & converting him to his owne use". When the case came up for trial, Clement Hill appeared by his attorney, but Blakiston came not but made default, and was nonsuited. Hill received for his costs and charges 733 pounds of tobacco (*post*, pp. 280-281). Jacob Loton detained "a man servant named Wm. Simpson belonging to the said Thomas [Waghob] as itt is said" (*post*, p. 234). Waghob gave security in the sum of 8000 to prosecute his replevin of Wm. Simpson against Loton, and to make restitution to Loton if the Court adjudged it to him. The case was settled by agreement (*post*, p. 356); perhaps Loton restored Simpson to his lawful master. George Parker, attorney of the Provincial Court, took out a replevin against Joseph Tilly for unjustly detaining "one man servant named Tho: Norris, one woman servant named Elizabeth Moore, all the horses & Mares upon the platacon of the said Joseph [Tilly] at Hunting Creeke . . . called Tillington", all the cows, bulls, steers, heifers, and all the stock of hogs with a certain ear mark. Servants and hogs were treated alike. Another bond filed the same day between the same parties called for Parker to prosecute a replevin for five feather beds, bedsteads and furniture,