

him the said Sam<sup>ll</sup> by the said high sheriffe to Receive of the said Thomas Jones aforesaid, and by vertue of the said Power from the said High Sheriffe did demand the same of the said Thomas Jones for the use of the Hono<sup>ble</sup> the Secretary aforesaid, Who Voluntarily and of his owne accord pay the same, And further Sayth That hee the Said Sam<sup>ll</sup> upon Receipt of the Same, did pay and deliver the said Sume of ffoure hundred and foure pounds of Tobacco to the High Sheriffe aforesaid upon the Accompt and for the use of the Hono<sup>ble</sup> the Secretary aforesaid, All w<sup>ch</sup> the said Samuel sayth hee did by a Legall Power as Servant and Deputy to the high Sheriffe aforesaid, and without any fraude or deceit in him the said Sam<sup>ll</sup>, without w<sup>ch</sup> noe ac<sup>con</sup> against him the said Samuel Lyeth, and this hee is ready to averre and prayes Judgment why the said Thomas his ac<sup>con</sup> against him the said Sam<sup>ll</sup> Ought to have

Liber W. C.

p. 324

And the said Thomas sayth that hee from haveing his ac<sup>con</sup> aforesaid against the said Samuel Dobson for the said foure hundred & foure pounds of Tobacco ought not to bee barred, because hee sayth that the said Samuel the said Sume of ffoure hundred & foure pounds of Tobacco of him the said Thomas for the use of William Calvert Esq<sup>z</sup> Secretary of this Province did receive without any order from the Said Secretary to doe the same, and the said secretary any accompt thereof did not give, soe that the said Thomas of the said Sume of ffoure hundred and foure pounds of Tobacco by the said Samuel hath been defrauded, and his debt due to the said Secretary (if any were) undischarged, and the said Samuel being Servant or Deputy to the said Gerrard Slye late sheriffe of S<sup>t</sup> Maryes County at that time, shall not and ought not to debarre the said Thomas from haveing his ac<sup>con</sup> aforesaid against the said Samuel, and this hee is ready to averre And thereupon demands Judgment And the said Sam<sup>ll</sup> sayth that for the reasons in the plea aforesaid pleaded the said Thomas Ought to bee barred his ac<sup>con</sup> aforesaid agt him the said Sam<sup>ll</sup>, and of this hee puts himself upon the Country And the plantiffe likewise, Itt is therefore Comanded the sheriffe of S<sup>t</sup> Maryes County that hee Cause to come here Twelve & c by whome & c, and who neither & c, To Recognize & c, because aswell & c

On w<sup>ch</sup> said Thirtyeth day of November in the yeare aforesaid came the said partyes by their Attorneys aforesaid. and the Jurors Impannelled being Called likewise came (To witt) John Addison, Gilbert Turberville, John Hartwell, John Evans, Thomas Simpson, Williams Watts Emanuel Ratliffe, Giles Willson, Thomas Addams, Thomas Beale, James Pencoate, Thomas Spinke, Who being elected tryed and Sworne to say the truth in the premisses, Upon their oathes doe Say (That for the Reasons in the aforesaid plea of the aforesaid Deft in manner aforesaid pleaded, the aforesaid plantiffe his ac<sup>con</sup> aforesaid against the said deft ought not to have, but ought to bee