Royston shall the aforesaid summe of five thousand six hundred and fifty pounds of tobacco damaged by the surveyors aforesaid in forme aforesaid assessed as also the summe of One thousand two hundred and eighty one pounds of tobacco for Costs of suite. And the said defendant in Mercy &c.

Daniel Lapdell ag Thomas Cooke

Thomas Cooke of Dorchester County Maryland Planter attached to answere unto Daniel Lapdell of Deale in the Kingdome of England in a plea of trespass upon the case

Thereupon the said Daniel by Griffith Jones his Attorney comes & complaynes that the said Thomas Cooke the 27th day of January Anno Dom. 1681 for a consideration that the said Thomas had then receiled of the said Daniel Lapdell the summe of five pounds of lawfull money of England at the said Towne of Deale aforesaid in the said Kingdome of England, the said Thomas Cooke did then and there upon himselfe the said Kingdome of England, the said Thomas Cooke did then and there upon himselfe promise to deliver unto Samuel Ayrmed and to the said Daniel Lapdell faithfully promise to deliver unto Samuel Langdon at the arrivall of the Happy Experiment in Virginia Twenty five hundred weight of sound Merchantable Leaf tobacco, the said tobacco to be delivered in three allowing eighty two pounds for each hogshead, within twenty days next after the arrivall of the said Happy Experiment in Patuxent River, And the said Daniel in fact saythe that the said Happy Experiment did make her then intended Voyage & arrive safely in Patuxent River the two and twentyeth day of May in the yeare of our Lord 1680. and hath continued since the time last mentioned twenty days and upwards in Patuxent River and is there riding at Anchor in the said River Nevertheless the said Thomas Cooke the said promise and Assumption aforesaid not regarding but fraudulently plotting and contriving the said Daniel Lapdell of the said summe of twenty five hundred pounds of tobacco in manner and forme aforesaid to deceive and defraud. And the said summe of five and twenty hundred weight of Leaf tobacco aforesaid in forme aforesaid hath not delivered to the said Samuel Langdon or any wayes paye and satisfyed the Samuel Although often thereunto required but the same to the said Samuel Langdon according to the promise and assumption aforesaid to pay and satisfy for the use of the said Daniel hath refused and still doth refuse to the damage of the said Daniel Six thousand pounds of tobacco. And thereupon he brings his suite

And the said Thomas Cooke by Christian Hardyen his Attorney comes & defends the wrong and injury when &c and prayeth leave to imparle hereunto untill next Provincyall Court and it is granted unto him and the same day is given to the pt hereof

Now here at this day (to wit) the fourth day of July in the Eighth yeare of the Dominion of the Right Honble Charles Lord Baltimore &c Anno Dom 1682 came the said parties by their Attorneys aforesaid. And the said Thomas Cooke by the said Attorney saythe that he did not assume upon himselfe in manner and forme as the said Daniel Lapdell in the Declaration hath declared against him. And of this he puts himselfe upon the Country

And the said Daniel Lapdell by Griffith Jones his Attorney for Replication to the defence saythe that he did assume and promise in manner and forme as in the pltfs Declaration is setforth and this he is ready to aver. And prayes that this may be enquired of by the Country. And the defendants likewise

It is therefore commanded the Sheriffe of St Maries County that he cause to come twelve ffreeholders by whom &c and who neither &c to recognize &c to serve a Jury &c

On wch the said fourth day of July in this yeare aforesaid came the said parties by their Attorneys aforesaid. And the Jurors duly summoned being called likewise came

(to wit)

(to wit) Philip Lynch Richard Hazel John Hungerford Richard Royston John Power Samuel Dobson, John Wilkinson Thomas Stourbridge, James Pritchard Stephen Mitchell Daniel Hurley and Hugh Hopcroft who being duly sworne to say the truth in the premisses (and the said Daniel Lapdell being formerly called appeared not) Upon their oathes do say that the said Thomas Cooke did not assume upon himselfe as to the said Daniel Lapdell make such promise as the said Daniel hath above declared against him. It is therefore considered by the Court here that the said Daniel Lapdell take nothing by this writ aforesaid but be in Mercy for his false claime herein, and that the said Thomas Cooke goe from hence without day. And that the said Thomas Cooke recover against the said Daniel Lapdell the summe of One thousand & eighty pounds of tobacco for his Costs and charges by him about this defence in this behalfe laydout and expended. And the said Thomas Cooke may have his Execution

James Langdon ag Thomas Cooke

Thomas Cooke of Dorchester County Otherwise called Thomas Cooke of Choptank River in Maryland in Virginia in parts beyond the Seas Merchant was summoned to answere unto James Langdon of Rotherhithe in the County of Surrey Mariner in a plea of debt and that the said Thomas render to him the said James the summe of Two and twenty pounds of Lawfull money of England wch he the said James his owne and from him unjustly detaineth

And whereupon the said James by Griffith Jones his Attorney saythe that the said Thomas Cooke the fourth day of the Month of November Anno Dom 1681 by his certaine bond or writing obligatory sealed with the seale of him the said Thomas Cooke as the act and deed delivered in Court produced whose date is the day and yeare aforesaid did acknowledge himselfe to be bound and firmly bound unto the said James Langdon in the said summe of five and twenty pounds of Lawfull money of England, To be wch payment well and truely to be made and done the said Thomas did bind himselfe his heires Executors and Assigns firmly by the said bond or writing obligatory, Yett Notwithstanding the said Thomas the said summe of Two and twenty pounds of Lawfull money of England to him the said James according to the tenor of the said Obligacon though often demanded hath not paye or satisfyed, but the same to pay and satisfy the said Thomas hath hitherto refused and still doth refuse and denyes to the damage of the said James forty pounds of like Lawfull money of England And thereupon he brings his suite

And the said Thomas Cooke by Christian Hardyen his Attorney comes & defends the force and injury when &c and prayeth the hearing of the said writing obligatory and it is read unto him, &c also prayeth the hearing of the Condition of the said Writing obligatory & it is read unto him in these words, The condition of this obligacon is such that if the above bound Thomas Cooke his heires Executors Assigns or assignes doe and shall well and truely deliver or cause to be delivered unto the above named James Langdon his Executors Adm or Assignes in Maryland above written on board the good Happy Experiment of London whereof the said James Langdon is now Master under god, within twenty days next after the said Shippe shall arrive and rest arrived there Tobacco in many Drawers Sound and good Merchantable Leaf of due Weight whatsoever as Casse answere and make good the summe of Eleven pounds & five Shillings Sterling money here in England, To and for the use and behoofe of Francis Miller of London Upholsterer In consideration of sundry Upholstery goods amounting to the like summe or value of Eleven pounds and five Shillings wch are sold by the said Francis Miller to the said Thomas Cooke and delivered on board the said Happy Experiment for the use and behoofe of the said Thomas Cooke and agreed to be delivered unto him or his Assignes in Maryland aforesaid Upon the performance of this bond shall be void &c

said that then said obligacon to be void or else to stand and remaine in full force & vertue

Wch being read and heard the said Thomas Cooke by the Attorney aforesaid prayes time to speake thereunto untill next Provincyall Court and it is granted unto him And the same day is given to the pt also:

Now here