now is the Action aforesaid against him to have or maintain Ought not because he saith that by a certain Act in a General Assembly of this Province of Maryland held at Annapolis in the County of Anne Arundel on the day of In the Year of our Lord Seventeen hundred and among other things it was Enacted by the Authority of the said General Assembly that all Actions thereafter to be brought on Sheriffs Bonds thereafter to be passed should be sued or brought within the Space of five Years after the passing Such Bond and not afterwards as by the said Act among other things more fully Appears and the said John further saith that the Sheriffs Bond aforesaid upon which the Action aforesaid hath been brought was passed after the making and Enacting the Act aforesaid to wit on the day of in the Year of our Lord Seventeen hundred and at Prince Georges County aforesaid and that the said Action was not sued or brought on the said Sheriffs Bond within the Space of Five Years after passing the same and this the said John is ready to Verify &c. therefore he prays Judgment if the said Attorney General for the said Lord Proprietary the Action aforesaid against him the said John Cooke to have or Maintain &c.—

And as to the Second Plea aforesaid of the aforesaid John above pleaded the said Attorney General saith that the said Lord Proprietary that now is by any thing therein alledged from having his Action aforesd to be precluded ought not because he saith That by an Act of Assembly of this Province made and passed at a Session of Assembly begun and held at the City of Annapolis the Seventeenth Day of June Seventeen hundred and forty Six Entitulled an Act for issuing and taking out of the Office of the Commissioners or Trustees appointed for Emitting bills of Credit Established by Act of Assembly the Sum of four thousand five hundred Pounds Current Money for Encouragement of Such able bodied Freemen as Shall Voluntarily enlist themselves into his Majesty's Service for the intended Expedition against Canada and for maintaining and Conveying them to the place of Rendezvous as also for replacing the said Sum and for the better regulating Ordinaries and Ordinary Keepers and for other purposes therein Mentioned amongst other things it is Enacted That all and every Person taking Ordinary Licences pursuant to the said Act should at the Time of having such Licence granted pay to the Sheriffs of the Respective Counties where such person or Persons should Inhabit the fine or sum to be paid for Ordinary Licences in the said Act Mentioned which the said Sheriffs respectively were strictly required and Obliged by Virtue of their Office to receive as well as to Collect and Receive all fines and forfeitures arising on the Breach of any Part of the said Act by such Ordinary Keepers for receiving Collecting and paying of which Fines and Forfeitures the said Sheriffs should be allowed a Salary of five Pounds per Cent and the said Several and Respective Sheriffs were by the Act aforesaid Obliged and required to pay all such Sum or Sums of Money as Should come to their Hands by Virtue of that Act for Ordinary Licences or fines and forfeitures aforesaid to the Commissioners or Trustees aforesaid on or before the last day of April every Year during the Continuance of the said Act as by the said Act Relation being thereunto had may Appear and the said Attorney General in fact saith that the aforesaid Osborn Spragg in the Condition aforesaid above mentioned as Sheriff as aforesaid during his Continuance in the said Office to wit on the thirty first day of August Seventeen hundred and forty Eight at Prince Georges County aforesaid by Virtue of the Act of Assembly aforesaid did receive of and from Sundry Persons Inhabitants of Prince Georges County aforesaid taking Ordinary Licences pursuant to the said Act the Sum of One hundred Pounds Current Money out of which said Sum of Money the said Osborn Spragg was Entitulled unto Five Pounds Current Money for his Salary aforesaid and Ninety five Pounds the Residue thereof ought to have been by him paid to the said Commissioners or Trustees on or before the last day of (April)

April then next ensuing Nevertheless the aforesaid Osborn Spragg the aforesaid Sum of Ninety five pounds Current Money Residue aforesaid to the Commissioners or Trustees aforesaid (altho' often thereunto required) hath not paid but the same to them to pay hath always hitherto refused and still doth refuse Contrary to the true Intent and Meaning of the Condition aforesaid and this the said Attorney General is ready to Verify and so forth and therefore prays Judgment for the Debt aforesaid together with the Damages Sustained by Occasion of the Detention of that Debt to the said Lord Proprietary to be adjudged and so forth —

And as to the third Plea aforesaid of the aforesaid John above pleaded the said Attorney General saith that the said Lord Proprietary that now is from having and maintaining his Action aforesaid for any thing therein alledged to be precluded Ought not because he saith that by an Act of Assembly of this Province made and passed at a Session of Assembly begun and held at the City of Annapolis in Maryland the Second Day of October Seventeen hundred and fifty three Entitulled an Act for Securing and recovering the Money therein Mentioned reciting that Several large and Considerable Sums of Money had theretofore been received by Sundry Sheriffs within this Province on Account of Ordinary Licences and for the Use of the Public which then remained due from and unpaid by such Sheriffs and that it was apprehended that in Case of Suits brought against such Sheriffs the Length of Time Since the Receipt of Such Money might be a bar to Such Suits to prevent which it is Enacted that in any Action or Actions to be Commenced upon any Sheriffs Bond within this Province or Scire facias to be prosecuted upon any Judgment on Such Bond for Money or Tobacco theretofore received by Such Sheriff on Account of Ordinary Licences and for the Use of the Public of this Province Such Sheriff and his Heirs Executors and Administrators should not be Entitulled to or have any Benefit or Advantage of any Act or Acts of Limitation any Law to the Contrary notwithstanding and the aforesaid Attorney General further Saith that the Writing Obligatory aforesaid by the aforesaid Osborn Spragg in the Condition aforesaid Mentioned as Sheriff of Prince Georges County aforesaid and him the said John was made and the aforesaid Osborn Spragg as Sheriff aforesaid did receive the aforesaid Sum of One hundred Pounds Current Money on Account of Ordinary Licences and for the Use of the Publick of this Province before the making and Passing the Act of Assembly aforesaid to wit at Prince Georges County aforesaid and this the said Attorney General is ready to Verify and so forth And therefore prays Judgment for the Debt aforesaid together with the Damages Sustained by Occasion of the Detention of that Debt to the said Lord Proprietary to be adjudged and so forth.

And the aforesaid John Cooke as to the Replication of the said Attorney General for the said Lord Proprietary to the Second Plea of him the said John protesting that the Replication aforesaid and the Matter therein Contained are insufficient in Law for the said Attorney General for the said Lord Proprietary his Action aforesaid against him the said John to have and Maintain and Prolishing also that the said Osborn Spragg did not receive the said Sum of One hundred Pounds Current Money as aforesaid for Plea by way of Rejoinder Nevertheless he saith that before the Impetration of the Original Writ in this Cause to wit on the last Day of April in the Year of our Lord Seventeen hundred and forty Nine at Prince Georges County aforesaid he the said Osborn Spragg in the Condition aforesaid mentioned did pay unto the Commissioners or Trustees aforesaid the said Sum of Ninety five pounds Current Money and of this he puts himself upon the Country &c. And the aforesaid Attorney General of the said Lord Proprietary in like manner and so forth —

And as to the Replication of the said Attorney General for the said Lord Proprietary to the third Plea of him the said John the said John Says that the said Replication and the Matter therein Contained are not Sufficient in Law for the said Attorney General on Behalf of the said Lord Proprietary to have and maintain his said Action against him the said John and that he has no need nor is Obliged by the Law of the Land to Answer to the said Replication in Manner and form aforesaid Pleaded and that he is ready to Verify &c. wherefore for (defect)