113 The Lord Propty a DD. John Cooke — } Maryland ss. John Cook late of Prince Georges County in the Province of Maryland Gentleman otherwise called John Cooke of Prince Georges County in the Province aforesaid was Summoned to Answer unto the Right Honourable Frederick Lord Proprietary of this Province in a Plea that he render unto him the full and just Quantity of Two hundred thousand Pounds of good Sound Merchantable Leaf Tobacco and Cask which to him he Owes and unjustly detains and so forth —

And whereupon Stephen Bordley Esquire Attorney General of the Said Frederick Lord Proprietary who for the Said Lord Proprietary that now is in this part Prosecuteth Says that whereas the aforesaid John on the Eighteenth day of September in the Year of our Lord Seventeen hundred and forty Nine at Prince Georges County aforesaid by his certain Writing Obligatory with the Seal of him the Said John Sealed and to the Court of the Said Lord Proprietary now here Shewn whose date is the day and Year aforesaid acknowledged himself to be held and firmly bound unto the Right Honourable Charles late Lord Baltimore lately deceased in his Lifetime by the Name of the Right Honourable the Lord Proprietary in the aforesaid Quantity of two hundred thousand Pounds of good Sound Merchantable Leaf Tobacco and Cask to be paid to the Said Charles late Lord Proprietary his Heirs or Successors when afterwards he should be thereunto Required Nevertheless the aforesaid John (Althe often thereunto required) the aforesaid Quantity of two hundred thousand pounds of good Sound Merchantable Leaf Tobacco and Cask to the Said Charles late Lord Proprietary in his Lifetime or to the Said Lord Proprietary that now is Since the Death of him the Said Charles late Lord Proprietary hath not paid but the Same to the Said Charles late Lord Proprietary or to the Said Lord Proprietary that now is Since the Death of him the Said Charles late Lord Proprietary to pay he hath altogether refused and the Same to the Said Lord Proprietary that now is still doth refuse to the Damage of the Said Lord Proprietary that now is in the Quantity of Fifty thousand pounds of Tobacco aforesaid Whereupon the aforesaid Attorney General for the Said Lord Proprietary that now is brings Suit and so forth —

And the aforesaid John Cooke by Daniel Dulany his Attorney Comes and Defends the Force and Injury when &c. and prays Leave to Imparle hereunto untill next Court and he hath it and the Same day is given to Stephen Bordley Esquire his Lordships Attorney General who &c. also.

At which said next Court to wit the Eleventh day of April Anno Dom. 1758 Comes again as well Stephen Bordley Esquire Attorney General who &c. as the Said John Cooke by his Attorney aforesaid and the Said John Cooke by his Said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the Same day is given to Stephen Bordley Esquire Attorney General who &c. also.

At which said next Court to wit the Twelfth day of September Anno Dom. 1758 Comes again as well

well Stephen Bordley Esquire Attorney General who &c. as the Said John Cooke by his Attorney aforesaid and the Said John Cooke by his said Attorney prays further leave to Imparle hereunto untill next Court and he hath it and the same day is given to Stephen Bordley Esquire Attorney General who &c. also —

At which said next Court to wit the Tenth day of April Anno Dom. 1759 Comes again as well Stephen Bordley Esquire Attorney General who &c. as the Said John Cooke by his Attorney aforesaid and the said John by his Attorney aforesaid as before — defends the force and Injury when &c. and saith that he with the Debt aforesaid by Virtue of the Writing Obligatory aforesaid Ought not to be burthened because he saith that that Writing is not his Deed and of this he puts himself upon the Country and so forth — And the aforesaid Attorney General for the Said Lord Proprietary that now is in like Manner and so forth —

And the aforesaid John by Leave of the Court here according to the form of the Statute in Such Case made and Provided by his Attorney aforesaid further defends the force and Injury when &c. and prays a hearing of the Writing Obligatory aforesaid and he hath it in the Words following to wit — Maryland ss. Know all Men by these Presents that We Osborn Spriggs John Spriggs and John Cooke of Prince Georges County in the Province aforesaid are holden and firmly bound to the Right Honourable the Lord Proprietary &c. in the full and just Quantity of Two hundred thousand pounds of good Sound Merchantable Leaf Tobacco and Cask to be paid to the Said Lord Proprietary his Heirs and Successors To the which Payment well and truly to be made We bind ourselves and every of us our and every of our Heirs Executors and Administrators jointly and Severally for the whole and in the whole firmly by these Presents Sealed with our Seals and Dated the Eighteenth day of September in the thirty fifth Year of his said Lordships Dominion Anno Domini 1749 — He also prays an Hearing of the Condition of the Writing Obligatory aforesaid and he hath it as follows — The Condition of the above Obligation is such that if the bound Osborn Spriggs do well and truly Serve his Lordship the Right Honourable the Lord Proprietary his Heirs and Successors in the Office of High Sheriff of the County of Prince Georges within the Province aforesaid and in all things well and faithfully execute the Same Office and also shall render unto his Said Lordship and other his Officers a true faithful and perfect Account of all and Singular his Said Lordships Rights and Dues and to his Officers a true and Just Account of their fees that he shall or may be entrusted with by his said Lordships Governor and other his Officers within this Province to receive and Collect and his Account to his Said Lordship his Heirs and Successors and to his and their Governor here for the Time being for the fines and forfeitures and other dues belonging to his said Lordships Governor as also his Account of all fees dues and Sums of Money or Tobacco due to any of the good People within this Province for any Sum or Sums of Money or Tobacco wherewith the Said Sheriff shall be entrusted during the Time of his Shrievalty for this present to to Such of them as shall require the Same shall pay and render by the Tenth day of May next ensuing the Date hereof and in all other things as Sheriff of the County of Prince Georges shall behave himself well and Honestly to all Persons according to the best of his power Skill and knowledge then this Obligation to be void and of none Effect or else to Stand in full force Strength and Virtue. — Which being Read and heard the Said John saith that the Said Attorney for the Said Lord Proprietary that now is the Action aforesaid against him the Said Ought not to have because he says that after the making the writing Obligatory aforesaid and before the issuing the Writ aforesaid in the Plea aforesaid the aforesaid Osborn Spriggs in the Condition of the Said Writing Obligatory mentioned did well and truly Serve his Lordship the Right Honourable the Lord Proprietary in the Condition aforesaid mentioned in the Office of High Sheriff of the County of Prince Georges within the Province aforesaid and in all things well and faithfully Executed the Same Office and also rendered unto his said Lordship and other his Officers a true faithful and perfect Account of all and Singular his Said Lordships Rights and dues and to his Officers a true and just Account of their fees that he was entrusted with by his Lordships Governor and other his Officers within this Province to receive and Collect and his Account to his said

(Lordship)