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 &c. And the aforesaid Attorney General for the said Lord Proprietary that now is in like Manner &c.

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 Joseph Belt Junior Oxon Springs and John Cooke of Prince Georges County in the Province aforesaid Gentlemen are holden and firmly bound unto the Right Honourable Charles Lord Baltimore &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 Baltimore his Heirs Executors Administrators or Assigns To 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 this 28th day of August Anno Dom. 1746 — 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 above bounden Joseph Belt Junior do well and truly Serve the Honourable the Lord Baltimore his Heirs and Successors in the Office of High Sheriff in the County of Prince Georges within the Province and do 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 and his 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 and 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 or to such of them as shall require the same shall pass and render by the Tenth day of May next ensuing the Date hereof and all 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 John Ought not to have because he Says that after the making the Writing Obligatory aforesaid and before the Suing the Writ aforesaid in the Plea aforesaid the aforesaid Joseph Belt in the Condition of the said Writing Obligatory mentioned did well and truly Serve the Honourable the Lord Baltimore in the Condition aforesaid mentioned in the Office of High Sheriff in 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)



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 and his 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 and Tobacco due to any of the good People of this Province for any Sum or Sums of Money or Tobacco wherewith the said Sheriff was entrusted during the time of his Shrievalty for that present or to such of them as did require the same did pass and render tenth day of May next ensuing the Date of the said Writing Obligatory and in all other things as Sheriff of the County of Prince Georges did behave himself well and honestly to all Persons according to the best of his Power Skill and knowledge to wit at Prince Georges County aforesaid and this he is ready to Verify &c. wherefore he prays Judgment if the said Attorney General for the said Lord Proprietary the Action aforesaid against him the said John Ought to have or Maintain —

And the said John by Leave of the Court here and according to the form of the Statute in such Case made and Provided further by his said Attorney defends the force and Injury when &c. and prays an hearing of the Writ aforesaid and the Endorsement thereon and he hath the same as follows to wit —

Maryland ss. Frederick Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c. To the Sheriff of Prince Georges County Greeting We command you that you take John Cooke late of Prince Georges County in the Province of Maryland Gentleman otherwise called John Cooke of Prince Georges County in the Province aforesaid if he shall be found in your Bailiwick and him safe keep so that you have his Body before the Justices of our Provincial Court to be held at Annapolis the Second Tuesday of September next to Answer unto Us in a Plea that he render unto Us the Sum and Just Damages of Two hundred thousand Pounds of good Sound Merchantable Leaf Tobacco and Cask which to Us he Owes and Unjustly detains and so forth here of fail not at your Peril and have you then and there this Writ. Witness John Bruce Esquire Chief Justice of our Provincial Court the 19th day of May in the 7th Year of our Dominion &c. Annoque Domini 1757 —

Issued 27th May 1757 — (Bordley) R. Y. Ghiselin Cl.

On the Back of the aforegoing Writ was thus Endorsed to wit —

Memorandum The within Writ is issued on Joseph Belt junior Sheriffs Bond Dated 28th August 1746 by Order of the Governor and Council on the Address of the Lower House of Assembly —

Test. R. Y. Ghiselin Cl.

Which being read and heard the said John Says that the said Attorney General for the said Lord Proprietary that 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 Ann 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 hereafter to be brought on Sheriffs Bonds hereafter 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 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 ready to Verify &c. wherefore he prays Judgment if the said Attorney General for the said Lord Proprietary the Action aforesaid against him the said John to have or maintain Ought &c. —