

for an Assignment of the said Knowles's Bond, obtained the same, and commenced an Action thereon against Col Ernauld Hawkins deceased Executor of the said Major Hawkins and obtained Judgment, but died without having issued any Execution or receiving any Satisfaction, and the Judgment remains yet unsatisfied and the Administratrix of Mr. Lloyd demands the Money of Mr. Hawkins the Exec. of Col Ernauld Hawkins who is willing to pay the same provided she can safely pay it, which she is apprehensive she can't, because the Judgment is in the Name of the Lord Proprietary

The Administratrix of Mr. Lloyd being desirous to avoid the least Appearance of opposing his Lordships Interest humbly prays the Opinion or Declaration of his Excellency the Governor in Council that in Regard his Lordship is not personally interested in the said Bond or the Recovery had thereon, she may be at Liberty to proceed at Law for the Recovery thereof without the Imputation of endeavouring to divest his Lordship of anything he has a Right to, or opposing his Interest for the Reasons following

1. Because Knowles's Bond is properly an Office Bond & by the constant Usage of the Province recoverable at the Instance of any Person apparently injured by the Breach of the Condition thereof his Lordship being in the Nature of a publick Trustee only so far as he is not personally interested

2. That the Bond appears by the Condition of it, to have been taken more particularly to secure the Payment of the Tents due to the Secretary than for any other Purpose, and for which Tents the Secretary could not ever in the Life Time of Knowles have had any other Remedy but by suing this Bond, whereas any other Person