

the said Wells ag^t the Estate of the said Bartholomew in the hands of them not Administred and Execution out of the Secretary's Office for the same which Execution the said Tobias kept in his pockett, two or three months & did not serve it during which time the said John Wright produced his Action into the Secretary's Office & that he had payed as far as Assetts, the next Court setting up his name in the Court house and having paid as far as he had assetts & having fully administred prayed a Quietus est as usual in this Province at which Court the s^d Tobias was Present & might have underwritt if he had pleased but did not Whereupon the said John Wright & Mary his Wife had their Quietus est after which he the said Tobias Contriving with the Sherriff of the Isle of Kent who lived in his House served the Execution upon certain Negroes of the said Jn^o Wrights which was not lawfull for him then to do, but ought to have brought his Writt of Devastavit against the said Wright if he could prove any wasting made by him of the Estate of the said Bartholomew upon which illegal proceeding in serving the Execution after the said John Wright & Mary his Wife having obtained their Quietus est, by which it appeared that they had fully administred & no Assetts in their hands He the said Wright coming to the Office at S^t Marys and Complaining of the illegal Proceedings of the said Tobias in the serving the s^d Execution the said Jn^o Morecroft did sue forth a Writt of Replevin for the unjust taking & withholding the Goods of the said Jn^o Wright, in whom there was a sole property of the said Goods, in which Writt it was also Comanded to the Sherriff to require the s^d Tobias to be before the Justices of the Lord Proprietary of this Provincial Court held at S^t Marys, at his next Provincial Court held at S^t Marys, to answer the said John Wright of a Plea of taking and unjustly withholding his Goods to which the said Tobias appeared at the s^d Provinc^l Court, after due and mature Deliberation by them the s^d Justices thereupon had It was by them adjudged that the s^d Tobias Wells had unjustly taken and withheld the said Goods of the said Jn^o Wright And for that it did appear to them by the Return of the said Writt to them by the Sherriff made that the Execution of the s^d Writt was done after the said John Wrights obtaining of the Quietus est and so the serving the said Execution unlawful And that the said Tobias ought to have brought his Devastavit against the Admin^{ix} if he had any Cause therefore the s^d Adm^{ix} having payed as far as Assetts and so had fully administred, Now forasmuch as the said Jn^o Morecroft had performed all & every thing which did belong to his Duty in prosecuting the Suit to Judgment and the said Tobias having got Execution, the said John Morecroft had done all that was belonging to the duty of an

U. H.
Journal
1659-98

p. 142