

Liber B B as hee makes appeare) for 1166^t Tob. besides 77^t Tob for ffees expended. The dēft sayth, That shee th^e Admīstrīx hath payd more already out of M^r Hammonds Estate (who was formerly sued for th^t Debt) then th^e Estate was apprayd att, as will appeare by th^e account, & further that shee hath payd that Exequūon, uppon w^{ch} [p. 166] this Scire facias issued. But not being able to proue what shee alleageth, th^t any part hath beene payd uppon th^t Judgm^t, w^{ch} shee ought to take notice of, & to bee first satisfied,

Ordered th^t th^e p^lf haue th^e first Exequūon agst th^e s^d Hammonds Estate for th^e sume of Eleauen hund^d sixty six pownds of Tob. besides Seauenty seauen pownds of Tob. for former Charges expended for ffees in this suite.

Att th^e Vpper howse of Assembly Sept. 29 1663.

P ^{nt} Charles Caluert Esq	Leui ^t Gräll	} Baker Brooke	} Esq
Philip Caluert Esq	Chancello ^r		
& Deputy Leiu ^t		} Henry Coursey	} Councill ^{rs}
Henry Sewall, Sec ^r , Esq		} Jerome White	
		} John Bateman	

Vid. fol. 186. Vppon th^e motion of Thomas Nottley th^e Attorney of Cap^t Thomas Cornewalleys to haue this howse proceed to Judgm^t in th^e Erro^{rs} assigned by him th^e s^d Nottley inter causam Cornewalleys & Nicholds, Vppon default of th^e s^d Nicholds not appearing yesterday to plead to th^e s^d Erro^{rs} according to th^e order of this howse, This howse doth declare th^t th^e Erro^{rs} assigned by Thomas Nottley Attorney of Cap^t Cornewalleys are such, th^t th^e Cause ought to bee tryed againe, & therefore Ordered th^t th^e whole cause bee tryed againe att th^e Provinciall Court sitting as a Court of Chancery on th^e 8th of December next &c:

John Gittings Clk of th^e

Vpper howse of Assembly.

Ordered hereuppon th^t this Cause bee first heard to morrow morning, And in th^e meane time th^t summons be forthwth sent to John Nicholds to make his appearance att Court att S^t Maries to morrow morning to make answere therto.

Summons to Sheriffe S^t Maries County according to th^e fores^d order.

Vid fol. 134
& fol. 187

Thomas Gerard Esq p^lf } The p^lf sueth as in his Petⁿ fol 134 for
Richard Micall dēft } 4000^t Tob. The dēft by his Attorney
John Samwayes makes answere (Viz^t) not knowing w^{ch} wayes th^e
p^lf is damnified, desyres him to make it appeare how: Hee only
[p. 167] desyring to know whither hee was free or not, & therefore humbly
conceiues noe uniust molestāōn. Then p^lf produceth his wittnesses
for his Charges hee was putt to about prouing him his seru^t &c:
& Charges of Court w^{ch} are as followeth.