

not to be stopped by an Injunction upon a bare surmise of ffulford being a Bankrupt And for that the Comp.^{lt} had remedy by the comon Lawe if the Charter party were broken, this Defend.^t humbly conceived the Comp.^{lt} ought not to trouble hinder & molest him with a Vexatious Suite in this Court, & with the generall Traverse he concluded his Answer as by the said Bill and Answer remaining of Record in the Secretarys Office more fully & att large the same doth & may appeare And the said cause soe standing att Issue upon Bill & Answer the Comp.^{lts} Councell moved this Court that this cause might come to hearing on Bill & Answer to the end the matter being betweene a Master of Shipp & his M^rchant, and the Shipp haveing stayed a long tyme in the Country they might not be any further delayed, and the same being usuall practice in Equity, this Court upon the said seaventh day of Decemb^r aforesaid proceeded to the hearing of the said cause On which day itt was urged by the Comp.^{lts} Councell that the said ffulford was failed in his Creditt att the tyme of the Exhibiting of the Comp.^{lt} Bill & that on a Certificate of the Arrivals of the said Shipp in this Province demand had been made att ffulfords house or last dwelling place of aboade & there was none to pay the same nor was there any hopes of ever getting any satisfac^on for the hire of the said Shipp Seamens Wages Victualling the said Shipp or Port Dutyes from ffulford in England or otherwise then by securing the same by the said Goods soe Shipped as aforesaid & which were their only security for the same as aforesaid or out of the proceed or produce thereof And for prooffe of their Allegac^ons aforesaid they humbly offered to the Considerac^on of this Court an Instrument & Certificate of seaverall Affidavits taken in the City of London before the Lord Mayer thereof under the City Seale which followes in these words To all that shall see these p^rsents or heard them to be read S.^r Joseph Sheldon Kn.^t Lord Mayor & the Aldermen or Senators of the City of London send Greeting Know ye that on the day of the date hereof in the Kings Majesties Court holden before us in the Chamber of the Guild hall of the said Citty personally came & appeared the severall Deponents hereafter named being persons well knowne & worthy of good faith & Creditt & did by their solemne Oath which they severally tooke upon the Holy Evangelists of Almighty God before us then & there solemnly declare testifie & depose for certaine & undoubted truth in manner & forme as in their severall Deposic^ons remaining upon Record in the Court aforesaid is att large contained the tenor whereof truly followeth Videlicet Edward Allen of London Scrivener aged Thirty one yeares or thereabout & Robert Barton of London Notary publick aged Twenty Eight yeares or thereabouts Sworne & Examined Depose & Say joyntly & severally upon their Corporall Oaths As followeth And first the said Edward Allen by & for himselfe saith & deposeth, that he was p^rsent & did see George ffulford