

Liber P C

Jurisdiction of this province & noe other ways to be received in the p<sup>r</sup>misses touching the discovery of the p<sup>r</sup>misses aforesaid Save in this hono<sup>ble</sup> Court And for discovery of the truth of the p<sup>r</sup>misses they humbly craved the Aid & Assistance of this Hon<sup>ble</sup> Co<sup>rt</sup> and that p<sup>r</sup>ces of Subp.<sup>a</sup> might be thereout awarded ag.<sup>t</sup> the said Def.<sup>t</sup> for him to appeare to answer the s<sup>d</sup> Bill To which Bill of the s<sup>d</sup> Comp.<sup>l<sup>ts</sup></sup> the s<sup>d</sup> Def.<sup>t</sup> appeared & putt in his answe thereunto & did thereby sett forth that he married the onely daughter of the s<sup>d</sup> John Avery de<sup>cd</sup> And that the said John Avery haveing before his death bin about out of England ffifteen or sixteen yeares & had one Son named John Avery whom he left in England to be brotd up with James Avery his brother And the said John Avery the Son & Brother to Ann the def.<sup>ts</sup> wife in the yeare One thousand Six hundred Seaventy & five writt to this def.<sup>t</sup> & advised him that his unkle James had a desire to see this Def.<sup>ts</sup> wife whereupon this def.<sup>t</sup> agrced with & paid Cap.<sup>t</sup> Walter Seaswife for his wifes passage & Sent her home to her said Unckle that the next yeare after the said John Avery the Son desirous to See his ffather tooke his Passage to come into this province but dyed at Sea And that John Avery the ffather heareing thereof & of the death of James Avery his Brother in England And that the said James had left the said John Avery the Son ffive hundred pounds Sterl & two thirds of his household goods the sd John Avery the ffather ffinding & aforegoeing the news to be true made an Agreem.<sup>t</sup> with this Def.<sup>t</sup> to goe together that p<sup>r</sup>sent yeare for England in Cap.<sup>t</sup> Wheelers s<sup>p</sup> to looke after the business & to Share what was left as afore<sup>sd</sup> equally betweene them lett the right belong to which of them it Should After which The Said John Avery & this Def.<sup>t</sup> went for England together in Cap.<sup>t</sup> Wheelers Shipec where they were advised that the Estate being onely Personall belonging to the said John who forthwith administered thereon And being arrested & impounded for the Legacy & goods aforesaid for which the said John Avery recev<sup>d</sup> two hundred pounds Sterl ready downe & three bonds of one hundred pounds Sterl apeice for money due out of the Excheq<sup>r</sup> And that the Sain John Avery doubt<sup>d</sup> after he had Compounded for his debts in England & paid Attorneys ffees had remaineing Sixty pounds ready money & two hundred in the Excheq<sup>r</sup> which he Laid out in Linnen woollen & other necessaries & paid for the passage of himselfe & one serv<sup>t</sup> maid And this Def.<sup>t</sup> further Shewed that the said John Avery desired this def.<sup>t</sup> & his wife to returne with him for Maryland and that he this def.<sup>t</sup> should not onely have halfe but all that he had when he dyed And thereupon the said John Avery gave this def.<sup>ts</sup> wife money to buy what she had occasion for but how much this def.<sup>t</sup> Denys that he knows and that the s<sup>d</sup> John Avery

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