

Moyes Execut^{rs} } Memorandum that in April Court to wit the six and
 ag^t } twentieth day of April Anno One thousand Six
 Philip Burges } hundred Seventy Seven Came here into Court Robert
 } bert Carvile One of the executors of Elizabeth Moy
 } deceased the Executrix of Richard Moy deceased and informed the
 } Court That he together with Henry Carew and Clement Hill the
 } other executors brought their action in the County Court of Cal-
 } vert County against One Philip Burges for eight hundred & twenty
 } pounds of tobacco upon bill under his hand & Seale payable to the
 } said Richard Moy his heirs execut^{rs} adm^{rs} or assignes and thereupon
 } they declared by Christopher Rousby their Attorney who produced
 } the Said bill in the said County Court endorsed thus John Baker
 } maketh Oath that he was well acquainted with the hand writing
 } of Henry Wells a wittness to the within written bill and verily be-
 } lieves that the said Henry Wells subscribed thereunto is the proper
 } hand writing of the Said Henry Wells who is deceased.

Liber N N
 p. 380

Sworne before me the 15th 7^{ber} 1676

Wiff: Calvert Sec.

Which said bill and probate thereof being produced to the said County Court the said Philip Burges by George Parker his Attorney pleads non est factum and desires the said Court to judge whether the bill is Sufficiently proved Whereupon the Court gave their Opinion and said it was not proved according to Law and therefore Order the plaintiffs should suffer a non suite with costs Whereupon the plaintiffs appeale to this Court and Security was taken for prosecution of the appeale as by the records & proceedings in the said County Court appeare.

And the said Robert on the behalfe of himselfe & the other Executors of the said Richard Moy prayed liberty of the Court here that the debt in question though it be notwithin the cognizance of this Court yet as they are executors they may bring their action anew in this Court whereby they may more fully evidence the truth in the p^rmisses and thereupon a capias is awarded to the Sheriff of Calvert County that he take the said Philip Burges otherwise called Philip Burgesse of the County aforesaid in the Province of Maryland if he should be found in his Bailiwick and him Safe Keepe So that he have his body here the ninetenth day of June One thousand six hundred Seventy Seven to answer unto Henry Carew Robert Carvile & Clement Hill Executors of the last will and testament of Elizabeth Moy widdow executrix of the last will & testament of Richard Moy deceased in a plea that they render unto them eight hundred and twenty pounds of tobacco which from them he unjustly deteineth. Att which said nintenth day of june the same Sheriff maketh re- turne of the writ aforesaid That the said Philip Burges is not found in his Bailiwick Afterwards to wit the three and twentieth day of june in the yeare aforesaid the said appeale being produced here in