

Liber N N

Now here att this day to witt the twelfth day of March in the fourth yeare of the Dominion of Charles Lord Baltemore &c Annoq̄ Doni 1678 cometh as well the said Kenelm Cheseldyn Attorney Gen^{ll} as the said George by his Attorney aforesaid And the said George by his said Attorney saith that the said Attorney Gen^{ll} on the behalfe of the Hon^{ble} Lord Prop^{ry} his action aforesaid against him ought not to have for that he saith, that whereas by one Act of Assembly made att a Gen^{ll} Assembly held att S^t Maries the fifteenth day of May in the first yeare of his Lordpps Dominion &c Annoq̄ Doni 1676 entituled an Act for easem^t of the Inhabitants of this Province in suites att Law for small debts, itt is amongst other things Enacted, that from & after the publicacōn of the said Act, no action for a booke debt or upon a plaine bill for or under the sume of ffifteen hundred pounds of tobacco & caske shall be comēced or prosecuted against any Inhabitant in this Province in the Provinciall Courts, except only upon Appeales from the County Courts of this Province &c And itt was further Enacted in the said Act of Assembly, that if any person plaintiffe shall comēce or prosecute any suite or plaint in the Provinciall Court of this Province for or under the sume of ffifteen hundred pounds of tobacco & caske in manner & forme as aforesaid shall suffer a Nonsuitt & pay such costs to the Defend^t as is usually granted by the Provinciall Court of the Province as by the said Act relacōn being thereunto had may more att large appeare And itt appearing by the said Kenelm Cheseldyn Attorney Gen^{ll} of the said right Hon^{ble} Lord Prop^{ry} his own shewing in & by his informacōn who prosecuteth on the behalfe of his Lordpp that the debt or duty by the said Attorney Gen^{ll} in & by the said Informacōn claymed is not aboue seven hundred thirty two pounds of tobacco & caske, the said George Wharton pleadeth the said Act oft Assembly in barr of the said Action, & prayes judgem^t if the said Attorney Gen^{ll} on the behalfe of his Lordpp his action aforesaid against him ought to haue And the said Kenelm Cheseldyn Attorney Gen^{ll} as aforesaid saith, the said Lord Prop^{ry} aforesaid ought not to be barred by the Act of Assembly aforesaid, & of this demands judgem^t of the Court And the said Defend^t also Which plea of the said George Wharton above in barr pleaded being seen & by the Justices here fully understood, itt seemeth to the same Justices here that that plea in manner & forme aforesaid pleaded & the Matter in the same contained is insufficient in Law to preclude the said Attorney Gen^{ll} who &c from haveing his action aforesaid against him the said George Wharton Therefore itt is considered that the said Lord Prop^{ry} recover against the said George Wharton as well the aforesaid Sume of Seven hundred thirty two pounds of tobacco debt As also two hundred thirty two pounds of tobacco costs of suite And the defendant in mercy &c^a

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