

6th day

The writ is bad because that there is not an Attorney to the writ to warrant the land for all writs ought to be an Attorney of the Court or pledge of the Court.

7th day

The writ is notoriously bad because that it is signed & warranted by Simon Wilmore who is both Clerk & Plaintiff: which in the Eye of the Law is Extortion but the Clerk for his floor he must have his writ signed by the Chief Justice of the same Court from whom those fees grow for it is a Maxim in Law that no person can be both Agent and Patient at one and the same time unless of Double capacity therefore a Man cannot present himself to a Court or make himself an Officer nor be both Judge and party to be Judge nor being Sheriff Summon or Name himself nor Multi Alii Shepard Marrow of the Law fol 123

8th day

The writ is bad in the return for it is directed to the Sheriff of Kent County and returned by a person who was not Sheriff but under Sheriff so it is if a writ be directed to the Mayor and Aldermen of any Town and upon the day of the Return the Mayor be absent then the Deputy Aldermen cannot make return of that writ nor execute any command therein specified but it must abate therefore since this writ is not fully pursued in every Particular then bad and Erroneous of Necessity it must abate

9th day

The writ is faulty because the Wife is not named in the said writ as well as the husband as admit the Wife commit trespass the goods & chattels must be of husband and Wife and the Judgment must be against husband and Wife and for of Necessity must be the Execution for that the Wife in no case can be concerned in Law during her Coverture without her husband except in some principal cases as when she is dead: &c. Now the cause of this writ is merely provided through Default of the Wife and since they came by her there is no recovery of them of the husband without Joinder husband and Wife together Shepard & Marrow of the Law folio 100

10th day

The Sheriff hath not made a Return answerable to a writ of Fieri facere for he ought if it had been a good writ to have returned it thus viz. To the Justice of Kent County Court &c. by virtue of the within writ to me directed I humbly certify to the said Justice &c. that I have made Summon to the said Wm North that he do and appear at the place and on the day in the said writ specified to answer &c. before me good & lawfull man of my Bailiwick &c. Daniel Norris Sheriff for