

Novem. 1701

James Williams and Emanuel Cause - and y^e said Defend^t by Michael Earle his atty^r comes & responds for y^e injury when hee and for y^e said Faith that he did not affirm and of this he putteth himself upon y^e Country - Earle of Defend^t and y^e plaint in like manner - Marklin p 9

But y^e Plaintiff not being able to maintain his action nor worth the cost of y^e issue before - Judges not having sufficient Evidence to prove y^e matter Suffereth a Nonsuit

Therefore it is considered by y^e Court here viz^t this 2^d day of Novem^r Anno^r Domⁱ 1701 that y^e said Defend^t Emanuel Cause do y^e said action good thereof without Day and it is further considered that y^e said Defend^t doo recover from y^e said Plaintiff James Williams as well y^e Sum of fifty pounds of T^r for a Nonsuit according to Act of Assembly in that case made & provided as also y^e Sum of Two hundred and Two pounds of T^r cost of Suits and y^e said Plaintiff in Mery

J^r Bowdell

Command was given to y^e Just^r of Kent County y^e 13th day of Feb^r Anno^r Domⁱ 1700 that by good and Lawfull men of his bailiwick he make known unto Thomas Fagg and Susannah his wife y^e last will & Testament of Denis Leary late of said County De^{ce}. if found in y^e bailiwick so that they be and personally appear before our Justices at y^e next Court to be holdⁿ for said County to show cause if any they have why Execution should not issue forth at them to satisfy unto James Nicholls as well y^e Sum of five hundred & fifty pounds of T^r as also y^e Sum of Two hundred & Eighty eight pounds of T^r cost according to y^e Judg^t recovered at y^e said Denis Leary in his last will & Testament at a Court holdⁿ for said County y^e 2^d day of March Anno^r Domⁱ 1699

All which next Court viz^t y^e 2^d day of March Anno^r Domⁱ 1701 y^e Day of y^e returns of said writt came Charles King High Just^r of said County and made returns thereof viz^t Made known to y^e within named Thomas Fagg and Susannah his wife before James Smith & Mathew Smith Two good and Lawfull men of my bailiwick as by this writt I am commanded

On which said day y^e said Defend^t by Michael Earle their Attorney appears & prayed thereof to be made until the next Court which was granted y^e same day was given y^e plaint likewise Marklin p 9

The which cause being cont^d from Court to Court until this present Court y^e said cause standing for tryall came as well y^e said Defendants by Michael Earle their Attorney as also y^e said Plaintiff by his said atty^r y^e said Defend^t making no sufficient defence y^e Plaintiff by his said atty^r prayed that y^e said Judg^t may be affirmed which was accordingly granted

Therefore it is considered by y^e Court here this day viz^t y^e 2^d day of Novem^r Anno^r Domⁱ 1701 that y^e Plaintiff James Nicholls have Execution at y^e said Defend^t Thomas Fagg and Susannah his wife y^e last will & Testament of Denis Leary De^{ce}. as well for y^e Sum of Eight hundred Twenty Eight Pounds as also y^e Sum of Two hundred & Seven pounds of T^r cost of Suits & y^e said Defendants in Mery

J^r Bowdell