

Memorandum of Court 1701

Kent County 2^d B. Thomas Craft was summoned to answer unto Joshua Sussalnam of a-
in Maryland plea of Debt that he render unto him the full sum of eight
pound Thirteen Shillings which to him he owes the from him he unjustly
retaineth

And whereupon the said Joshua Sussalnam in his proper person complaineth that where
the said Thomas on the 3^d day of Sep: Anno Domini 1701 in Kent County within the jurisdiction
of this Court the said Thomas did at the request of himselfe to Wm Sussalnam and
Thomas Corington both of the said County within the jurisdiction of this Court to persuade
Joshua Sussalnam to comply with the said Thomas for the wrong and injury he had done
the said Joshua pursuant to which proposals the said Wm Sussalnam and Thomas
Corington did on the 2^d day of year aff: upon the request of the said Thomas agree that
the said Joshua should in satisfaction of the wrong done to have four pound Sterl: money
which with the said Wm Sussalnam and Thomas Corington did with the said Thomas his
consent agree for the confirmation of which the said Thomas did say unto Wm Sussalnam
one pound Thirteen Shillings as in part of the four pounds the remainder the said Thomas
did write a short note upon the said Bond whose day and date is as above and hereinto
Court brought which the said Thomas though notwithstanding his agreement made hath
refused to pay but plotting contriving & fraudulently intending the said Joshua to recover
the said sum of eight pound Thirteen Shillings he hath not paid altho the offer demanded
but the same he pay hath denied & refused and still doth deny & refuse & unjustly
detaine the said damages of the said Joshua seven pound Thirteen Shillings which upon
his being suet

Joshua Sussalnam, Plaintiff
Richard Koe

Thomas Craft being and the said Defendant by Richard Koe his atty: come and defendeth
Joshua Sussalnam for the injury whereof and sayeth that for many fold insufficient
improportions & uncertainties in the said Debt & the matter in the said
combinde that that debt in that manner & form doth not hold sufficient in law to cause
the said Defendant to make answer therunto and that he to that Debt in that manner & form
sett forth hath need nor by the law of the land is bound to answer and that he is ready
to answer whereupon for want of a sufficient Debt of the said Joshua sufficient
matter therein to be combinde the Defendant prayed Judge that

- Reason In the demonstrated part of the Debt which ought to be paid to agree with the will of
the said Plaintiff that the said Thomas was summoned to answer unto Joshua Sussalnam of
a plea of Debt that he render unto him eight pound Thirteen Shillings which is various
and will it that he render him eight pound Thirteen Shillings which is various
Contract
- Reason Altho of Debt is not upon a short note or scrip without seal or upon any bill
Contract
- Reason No man can by the law of England be required or allowed in any Court of record
to sue or implead any person in an action personal impl: or real in his life
person without an attachment of writs & that privilege especially
releas'd in the Court or Debt to be according to the custom & practice of that
Court where suite is comenc'd but the plaintiff hath prosecuted his action at
the Defendant in his proper person without allodging his right to do so
according to the liberties & privileges of this Court
- Reason The Plaintiff in his Debt sayeth that the said Thomas at the request of himselfe to
William Sussalnam and Thomas Corington to persuade the said
Joshua