

Joshua to comply with the said Thomas and that the said Wm Thomas Springton did upon request of the said Thomas that the said Joshua should in satisfaction of the wrong to the said four pound short money which with the said Wm Thomas Springton did with the said Thomas his consent agree all which all which is ridiculous scandalous stuff & unjust & ridiculous nonsense upon which this Court cannot give judgment as

Reason The plaintiff John D. was summoned in a plea of Debt to render eight pound the said Defendant is nonsuited & not grauer & was eight being in plural number & was pound in singular

Reason The plaintiff in his Debt. hath set for stay of the writ that Joshua should not submit to the writ of execution more & demanding faculty to be bound by Court cannot be bound upon what he grounds his action if he intends it upon an agreement that part of the Debt is a mere charity such a lump of into 1700 stuff that the plaintiff should have his day to the bottom of his Debt. that he might have been understood & if it is upon the Debt. he ought to have laid an assumption in his Debt. to make the Defendant that if in case the said Defendant should refuse or fail in the payment of the said sum of 8-12 that then the said Defendant would pay the same which requires & ordered in fact that on such a day & heard & placed he did send the said noals to the said Defendant and required him to make payment of the said money in the said noals contained according to the terms thereof that the said Defendant refused & did not pay the same as

Reason The Plaintiff in the Demonstration part of his Debt. dollars in his proper person in conclusion he signs it Joshua Tossatnam & q. p. pledges & the Debt. which is contrary to all plaint. proceedings to the plaintiff & awarded rules of plead at common law

Dom. Joined Bar. & q.

The which Debt. & Demurrer being read & argued by the Court heard & fully considered thereupon the Reasons were judged good & judgment granted that Defendant for a non suits

Therefore it is considered by the Court here this day viz. 20. day of Novem. 1701 that the said Defendant Thomas Cross at the said action god thereof without day and it is further considered that the said Defendant do recover from the said plaintiff a sum of fifty pounds for non suits according to act of Assembly & also a sum of two hundred thirty and four pounds of cost of Suits and the said Plaintiff Joshua Tossatnam in Money

In Debt etc

Continued as given to the Court of Kent County 26. day of Aug. anno Dom. 1701 that the said Edward Mearns if found in his bailies in the said County do that he have his day before his Majesty's Justice at the next Court to be hold for said County to answer unto Thomas Cook of a plea of trespass upon the said

At which next Court viz. 27. day of Sep. anno Dom. 1701 the day of return of said writ came Elias King high Sheriff of said County made return thereof

On which said day the said Defendant by Richard Macklin his copier corpus the said Court appeared & prayed thereof to impar to until the next Court which was granted unto him the said day was given by the Court and wife Tossatnam & q.