

18
November Court 1700

And pay of Debt in Plaintiff's Debt mentioned and that he is ready to obey and therefore
prayer Judgment for his Debt and Damages to be adjudged him. Marklin
After hearing of aff. Debt. plea & replication by Court & being duly maturely con-
sidered Judgment is awarded to Plaintiff for his Debt and Cost of Suits

Therefore it is considered by Court. here viz. 28th day of Novemb^r anno Domini 1700
that said Plaintiff Edward Southam. did recover from said Solomon Wright in his
Capacity above said of Seven thousand six hundred forty & four pounds of Deb^t Debt ab all
said of Three hundred forty one pounds of Deb^t cost of Suits and said Solomon in more

John Dowdall

Command was given to the Just. of Kent County 28th day of March anno Domini 1700 That he make
unto Solomon Wright. Adm^r of James Smith's estate of Kent County Just. Dec^r if found in his
Bailiwick that he do personally appears before our Justices of the High Court to show cause
if any he have why Execution should not issue forth ag^t him as well for said sum of forty & four
pounds of Deb^t due from said James Smith in his last will as in Dowdall for the
Att which High Court viz. 25th day of June anno Domini 1700 & day of return of said
cann^r Edward King High Just^r of said County & made return therof in these words viz
Made knowne before Charles Hollingsworth Jun^r and John Blackall. Ser^g good and lawfull men
my bailiffs as by this will I am commanded

of Edward King

On which said day said Defendant in his own person appears and prays thereof to be
admitted High Court which was granted unto him & said Day was given & plaintiff allowed
Which cause being continued from Court to Court until this present Court came absolutely
Plaintiff by Richard Marklin his atty as also said Defendant in his own person & said
now standing for Fryall & Defendants plea viz

The Com^r of James Smith And said Defendant in his said Capacity in his own person con-
fessed & forced & injury when & and for the said that

John Dowdall And several Debts of a higher Nature and degree which said
Intestate in his last will stood justly indebted which were not
Satisfied by said Intestate in his last will which by law ought to be first satisfied
viz. To Michael Jones & Comp^r by a Judgment obtained in the Court of said Intestate in his
last will for Debt of the said Michael Jones & Comp^r one pound of Deb^t also a Judgment for a Rent
obtained in said Court ag^t said Intestate in his last will by William Hollingsworth for Three
hundred Eighty & eight pounds of Deb^t also a bond due to our Lord King for Seven hundred three
said pounds of Deb^t which in whole amounts to the sum of Seven hundred thirty
hundred fifty and four pounds of Deb^t and his for said Plaintiff his action against said Defendant
ought not to have & maintain all which he is ready to obey & therefore prays Judgment
John Dowdall

Solomon Wright

And said Plaintiff by his said atty says that in that manner & form aff. pleaded and matter in said plea contains
James Smith's I not sufficient in law to debar said Plaintiff from having his action aff.
said Defendant and that he said Plaintiff to that plea in that manner & form as above hath
made neither by law of land is bound to make answer and that he is ready to obey and therefore
prayer Judgment of aff. plea of aff. Defendant, and his Debt
Reason: The said Defendant in his plea above pleaded layeth that he is ready to obey and therefore prays
Judgment of aff. Intestate in his last will. stood justly indebted which were not
his last will. which ought to be first paid which amounts in whole to the sum of Seven hun-
dred thirty thousand four hundred fifty & four pounds of Deb^t but doth not by aff. plea to
obey that nor further or more of said Intestate's estate and come to his heirs then
sums of Seven hundred & thirty thousand four hundred fifty & four pounds of Deb^t for paym^t
of Deb^t of higher Nature and no barr to Plaintiff's action except it be specially therein by
Defendants plea that by said Deb^t of higher Nature in his plea written there is not any other com-
mand to pay of Deb^t in said Plaintiff's Debt mentioned