

Often thereto required by y^e Said Edward but y^e Said to say they & every of them have conveyed and refused to still do the same & refuse and unjustly detain to y^e damage of y^e Said Edward three thousand eight hundred and twenty pounds of Sol. & therupon he brings this Suit

Carle of 9th

Wallis Ad^r And y^e Said Defendants in thire Said Capabilities by Richard Marklin ad^r thire atty comes & defends y^e fored injury when so. And for plea Bathurst. S^r with lett not further process nor any other thing to be done against y^e Said Defend^t because they say that before y^e purchasing of y^e originall writt of y^e Said Plaintiff at thom y^e Said Defendants y^e Said Defendants had fully administered all y^e singular y^e goods chattels & credits which were y^e Said Richard Wallis, at y^e time of his death so farre forth as they are come to thire hands or knowledge and that they the Said Defend^t have not any assets which were of y^e Said Richard Estate at y^e time of his Death to satisfy y^e debt in y^e Said Plaintiff. D^r m^r m^r and therupon prays Judgement whether y^e Said Plaintiff his action aff. ag^t them ought to have Montaine y^e Said Marklin a Defend^t

Wallis Ad^r And y^e Said Plaintiff for replication saith by his aff. atty that y^e Defend^t ad^r at y^e time of y^e Plaintiff purchasing of y^e originall writt ag^t them had Bathurst. S^r not administered all y^e singular y^e goods chattels and credits of y^e Said Richard which belonged unto him y^e Said Richard at y^e time of his death according to law they y^e Said Defendants have paid account and other debt of an inferior nature thersfore y^e Plaintiff from his action aff. ought not to be barred, and thersfore prays Judgement for his Debt Damages to be awarded unto him by this Court

Carle of 9th

Wallis Ad^r And y^e Said Adams in thire Capabilities by thire P. atty ad^r Bathurst. S^r saith that y^e replication of y^e Plaintiff y^e matter therein contained is not sufficient in law to cause y^e Said Defendants to make answer and that they y^e Said Defend^t to that replication y^e matter in y^e said contained have noe need neither by y^e Law of y^e Land are bound to answer and thus they are ready to avoe thersupon prays Judgement

1st plea being a plaint. y^e plaint ought to have assigned or taken y^e issue upon assets or noe assets and 2nd the paying debt of inferior nature is no question naturally arising from y^e pleading for y^e Defend^t might pay Debts of inferior nature above about assets come to thire hands

Marklin

Domar. Joyned Carle of 9th

Which plea Domar's replications being argued by y^e Court heard duly considered Judgem^t was awarded to y^e Said Defend^t for a Non Suit ag^t y^e Plaintiff

Therefore it is considered by y^e Court that y^e Said Defendants as to y^e Said action in thire Said Capabilities god thersfor without day and it is likewise considered that y^e P. Def^t in thire Said Capabilities god recovery from y^e Said Plaintiff Edward Bathurst at well y^e Sum of fifty pounds of Sol. for a Non Suit as also y^e Sum of four hundred and forty on pounds of Sol. cost of Suits according to Act of Assembly 1702 y^e P. Dec. in May In D^r D^r