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his proxy or otherwise it should be as in the principle case a  
deed to bar poor creditors (a usual attempt in these days) of  
their true and just debts which was una doco condemned by the  
whole Court

2<sup>d</sup> reason — The defend<sup>t</sup> say they had not assets at the time of the plaintiffs Com-  
-mencing his Suit but hath not averred that the intestate did not at  
the time of his death leave assets which came to their hands  
sufficient to satisfy the plaintiffs debt for the defend<sup>t</sup> may have  
paid out the intestates estate otherwise than in such cases the law  
directs of which the plaintiffs cannot have knowledge, and so might  
have no assets at the time of the plaintiffs commencing his Suit which  
shall be no bar to the plaintiff in his action and therefore  
the bar is insufficient

3<sup>d</sup>

The defend<sup>t</sup> ought to have averred that the severall debts  
in his plea about in bar pleaded were just and due debts and  
unpaid by the intestate in his life time otherwise the defend<sup>t</sup>  
might suffer recovery against them by coming to defraud the  
plaintiff of his just debt of which the plaintiff by intendment of  
Law may be ignorant but the defend<sup>t</sup> cannot want privacy  
and it shall be intended that every Man will show that which  
is best for himself &c. *Marklin & q<sup>d</sup> Demand Joun<sup>d</sup> Earle  
& defend<sup>t</sup>*

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Which plea demurr and replications being argued and by the Court heard  
and duly considered Judg. was awarded to the said defend<sup>t</sup> for a nonsuit  
ag<sup>t</sup> the said Plaintiff And the cost attending thereupon

Upon which the said Plaintiff by Richard Marklin his Atty  
doth appeals to the said Judgment And the said Richard Marklin  
and George Smithey have accordingly given bond here in Court  
for the prosecuting the same according to Law at the next  
Provinciall Court for this Province of Maryland  
*George Smithey Atty*

Kent<sup>s</sup>. Nicholas Marsoy of Kent County was Sumoned to  
Edward Fry — Answer into Edward Frye of a plea that he render him One good  
Nichol<sup>s</sup> Marsoy } Boat of ten foot by the keele of the value of One thousand two  
hundred pounds of Tobacco which from him he unjustly detains  
And whereupon the said Edward Frye by Rich<sup>d</sup> Marklin his Attorney complains  
that whereas the said Edward Frye was lately possessed of this afo<sup>s</sup> boat as of  
his proper goods and of the afo<sup>s</sup> Edward being so thereof possessed the said  
Edward Frye the said boat out of his hands and possession which said boat  
afterwards that is to say on the — day of — — — — — At Chester  
river within the Jurisdiction of this Court came to the hands and possession  
of the said Nicholas yet the said Nicholas altho<sup>o</sup> often required the afo<sup>s</sup> boat  
(to him

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