

June 1708

a pt of said Majesties Request under Don 1708 the said cause standing for
 tryall came the said pt by Michael Earle his atty and the said Deft by
 Christopher Philipson their Attorney and the pt by his atty appeared in
 Kent County - John Ince of said County Plaintiff Mary his wife Co of the top
 in Maryland } will & Testament of James Wrath late of the same County Deat-
 deceased stander attached to assets into Thomas Joice of the a pt
 County of a plea of Treppas upon the Case

AND Whereupon the said pt by Michael Earle his Attorney complains that
 whereas the said James in his life time so Writ in the year of our Lord 1706
 at Chester Ferry now in said County within the Jurisdiction of this Court at the spe-
 in Ham request of the said James had sold & Delivered into him by the said
 Thomas Joice goods wares & Merchandises amounting in the whole to the
 value of ~~£~~ 400 pounds and six pence Current money of said Province as by an Aud.
 to this Sub. Aud. here in Court brought appears In consideration whereof
 the said James upon himselfe assumed unto the said Thomas Joice fully pro-
 mised that he the said James the a pt sum of 4 = 6 Current money as a pt
 unto the said Thomas he would well & truly pay when thereunto afterwards required
 Yet nevertheless the said James his promise & assumption before made not
 regarding but the thing & fraudulently carrying him the said Thomas in his
 behalf to receive & defend the a pt 4 = 6 unto the said Thomas he did not
 pay neither did the said Mary when sold after the death of the said James pay the
 same nor the said John & Mary nor either of them since their intermarriage both
 not paid the said sum although to doo the said upon the 19 day of December
 Anno Dom 1707 and at ~~the~~ other times at Chester Ferry within the Jurisdiction of
 this Court they wherby thereunto required but the sum of 400 say & every of them
 have decayed & are fast & still doo deny & refuse to the damage of the said Thomas
 eight pounds like money as a pt And thereupon he brings this Sute
 Earle of said Joice & Joice

1706 James Wrath D ^m money	To 5 gallons Rum at 120 each	300 00
To 200 Dollars		200 00
To 2000 Gallons of Wine		2000 00
To 200 Gallons of Oil		200 00
		3000 00
		3000 00

Errors Excepted & The Joice

AND the a pt Deft in their a pt Capacity by Christopher Philipson their
 Attorney come & defend the said & Injury which they say that the Declaration
 a pt of him the said pt and matters therein contained is not sufficient in Law -
 for the a pt Thomas his action a pt to have and maintain and that they
 do that Declaration in manner & form a pt and declared have not hold nor
 by the Law of the Land are obliged to answer the same and this they are ready
 to averre Wherefore for want of a sufficient Declaration in that behalf -
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