June 25th 1708

may be adjudged unto them &c

Hunter ff Defts

The Pltffs Joyns Philipson pro Quer

Wheeb Said Demurrer being read & argued and mature Deliberation thereupon by the Court being taken, and also that the Demurrer aforesaid is not Sufficient in Law to Stay or delay Judgment o = o = Therefore It is Considered by the Court here viz this Twenty fifth day of June Anno Domini 1708 that the Said Pltffs Benjamin Way & Co do Recover against the Said Defendants Renatus Smith and Anthony Joy Executors of Robert Smith aforesaid the aforesaid Sum of Forty pounds & Sixteen Shillings Sterling Damages and also the Sum of Three hundred Sixty five pounds of Tobacco Costs by the aforesaid Pltffs about their Suit in this behalfe expended and by the Court here of there adjudged of the goods & Chattells of the aforesaid Robert Smith in the hands of the Said Defts to be administred and if the Said Defts have not Sufficient in their hands to be administred then the Costs above said against the Said Defts and the Said Defts in mercy &c

Jam Smith Clk

Benj Way & Co
vs
Renat Smith & Anth Joy
Exors Rob Smith Esq

Commanded it was to the Shff of Kent County the Twenty Eighth day of March in the Seventh year of the Reigne of our now Magestie Anne &c That he take Renatus Smith & Anthony Joy Gentlemen Exors of the last will & Testament of Robert Smith late of Talbott County Esq deceased if they shall be found in his Baylwick & them safe keepe so that he have their bodies before the Said Magesties Justices at the next Court to be held at the Town & Port of Chester in Said County to Answer unto Benjamin Way & Co of London Merchants of a plea of Trespass upon the Case and that he have then & there the Said Writt &c

All which Said next &c viz the Twenty Second day of June in the year aft the day of Return of Said Writt Came Edward Scott high Shff of Said County & made return thereof in these words thereon Indorsed viz

Ceppi Corpus ff Edw Scott Shff

And a Dedimus being filed when Said Writt Issued forth & a copy thereof Served therewith according to Act of Assembly in that Cases made & provided as followeth viz Kent County ss Renatus Smyth & Anthony Joy Gentlemen Exors of the last Will & Testament of Robt Smith late of Talbott County Esq deceased were attached