August Court 1708

Same contained is Insufficient in Law to Cause this Defdt to make Ansr Thereunto & that he hath no Need nor is by the Law of this Land bound to make Ansr unto that Decl. In manner & Form as the pltff hath declared & therefore for want of a good & Sufficient Decl. of ye pd pltff & Sufficient matter Form & Certainty in the Same to be contained he the pd Defendant Demurs in Law & for Causes in Demurrer Shewth Viz.

1. The Pltff in her Decl. (Saith) Benjamin Ham late of pd County Carpenter deceased otherwise called Benjamin Hand late of ye Same County) without any Addition County or place certain

2. In the pltffs Decl. Then Saith) And whereupon the pd Pltff) by wch this Defendant Cannot tell what is meant

3 The pd Pltff in her Decl. Saith) And here in Court brought whose date is the Same day & yeare) but doth not Say what is Intended thereby to Witt) what day & yeare

4 The pd pltff in her Decl. Saith) altho often demanded) but doth not Say ye demand was at any Certain day or place

5 The pd pltff hath Omitted the proper Trick in Curia in the Close of her Decl. wch is want of Form & certainty) for wch & the reasons above pd it is Impossible to make any Certain Ansr to the pd Decl. wch this ad pd Defendant is ready to verify & thereupon prays Judgment & that his Cost & damages Occasioned to be laid out & expended by ye Vexation Suit may be adjudged unto him ye Hunter ye Defendt

Demur Joyned Earle & Duer

But the Said pltff by Michael Earle her Attly is willing to Suffer a non Suite

Therefore it is Considered by the Court here Viz. this Twenty Sixth day of August Anno Domi 1708 that the Said Easter Lewis &c. of Thomas Lewis afs. take nothing by her Writt and Declaration afs. but for her false Clamor the and her pledges of prosecuting be in Mercy and that the pd Thomas Polley Admr of Benjamin Ham go thereof without day &c. and also that the pd Thomas Polley in his pd Capacity doe Recovr against the Said Easter Lewis as &c. afs. the Sume of two hundred and Seaven pounds of Tobacco by ye Court adjudged him for his Costs and Charges about his defence in this behalfe laid out & expended According to the Forme of the Statute &c.

Jam: Smith Clk

Robert Roberts
&
Peter Mercy

Commanded it was to the Shff of Kent County the Twenty Fourth day of September in the Sixth yeare of the Raigne of our now Majestie Anne &c. that he take Peter Mercy of Kent County afs. planter if he should be found in his Baylwick & him safe keepe so that he have his body before her pd Majesties Justices at ye next Court to be held at ye Court House in the Town Port of Chester in pd County to Ansr unto Robert Roberts late of pd County Glov of a plea of Trespass upon the Case and that he have then & there the pd Writt &c.

Att co: ch pd next Court viz. the Twenty Eighth day of November in the yeare afs. ye day of return of pd Writt Came Edward Scott high Shff of Said County and made Returne thereof in these words thereon Indorsed Viz. Cepi Corpus &c. Ed: Scott Shff

And the pd Defdt being called Cometh & moves the Court here that the pltff Robert

Roberts