August Court 1708

not pay neither have the Said Extx nor Vett of aft Morgan & Elizabeth Since the Espousalls between them Celebrated paid the Same altho upon ye first day of October & Nineteen by the Said Dominick & Margrett they have att Kent County aft William ye Parishioners aft Soon there unto required But the Same to them to pay have denyed & as yett do deny & gainsay Whereupon they Say they are wrong and Damage have to the value of Nine hundred pounds of Tobacco And of this they bring Suit Philipson pro Quer Reg Dr Jno Dgo Rutes Ro

And the Said Morgan Kenyah and Elizabeth his wife Extx of Edward Bennett being Solemnly Called Came and by Michael Earle there Attorney appeld and there upon the Said Action was Transmitted to ye latter End of this Courts Docket Bott

afterwards the Said Cause was Continued untill the this next Court

Att ye Said next Court Viz the Twenty Second Day of June in the Same year after Said Majesties Reigne Anno Domi 1708 the Said cause was Continued untill the this next Court

Att ye Said next Court Viz: this Twenty Sixth day of August in the year aft Came the Defts by Michael Earle there Atty and the plea to the above Decl being Filed now is as follows Viz

And the Said Defts by Michael Earle there Attorney comes & defends the force & Injury when &c and for plea Saith that ye aft Action ye the Decl is grounded by vertue of a certaine Act of Assembly of date Anno Domi 1708 and further Saith that by vertue of a certaine Act of Assembly of this Province now in force the Action aft cannot be maintained &c and of this he puts himselfe upon the Court &c Earle Defty

And the aft Admr by there aft Atty for Replication Say that they the Said Admr for any thing in the Defts plea from there Action aft ought not to be debarred because they Say that the aft cause of action did not accrue to them in there Said Capacities untill the Month of July in the year of our Lord 1707 and this they are Ready to Verify Wherefore they pray Judgment And that they the Said Admr from there action aft may not be debarred &c Philipson pro Quer

Which Said plea and Replication being read & argued and mature deliberation thereupon by ye Court being taken Wherefore it is Considered by the Court here Viz this Twenty Sixth day of August Anno Domi 1708 that the plea aft is Sufficient in law to Stay Judgment and that the Said Dominick Kenlagh & Margret his wife take nothing by there said Decl: aft but for there false Clamour they and there pledges be in mercy and that the Said Morgan Kenyah and Elizabeth his wife late of Edward Bryan goe thereof without Day &c: and also that the Said Morgan & Elizabeth in there Capacities aft Doe recover against the Said Dominick Kenlagh & Margrett his wife the Sume of One hundred and Twenty two pounds of Tobacco by the Court adjudged them for there Costs and Charges about there Defence in this behalfe laid out and expended According to the form of the Statute &c

Jno Seville Clk