

Sept 6th 1707

him from a certain John Fillyard late of the Province Carpenter of a sum of eight hundred
 nearly five pounds of the by two several Obligations from under his hand & seal as by y^e same
 Obligations here in y^e Court brought y^e same appears w^{ch} still remained due & unpaid unto y^e Plaintiff
 and y^e Defendant in fact both y^e Plaintiff & Defendant not being ignorant of y^e premises nor regarding y^e
 Act of Assembly nor y^e penalties therein contained after y^e publication of y^e Act and
 before y^e issuing of Original Writ of our Lord's High Court of Justice y^e 11 to say on y^e twenty
 seven of the day of Sept. An^o Dom 1705. at which time y^e Defendant was in y^e Jurisdiction of this
 Court & y^e Defendant did provide a Route & other new parishes and a list of y^e same out of this Province
 to places remote & unknown whereby y^e Plaintiff is totally deprived of y^e benefit of y^e Laws or
 any other ways or means for y^e recovery of his said debt & y^e Defendant well knowing y^e Plaintiff
 Fillyard had not qualified himself either by setting up his name & having a surety or giving
 security as y^e Act of Assembly in such cases direct for y^e payment of his debt in y^e great damage
 of y^e Plaintiff as y^e Act of Assembly By means whereof y^e Plaintiff conceiving
 away y^e Act of Assembly out of this Province & not procuring his return again in one
 Month's time hath accrued to y^e Plaintiff to require & have from y^e Defendant a sum of
 1845^l together wth his costs & damages accruing by reason of y^e Plaintiff's transgression And
 altho' y^e Defendant hath been often required to pay y^e said sum of 1845^l yett never the less
 y^e same to doo he hath denied & refused and still doth deny & refuse and unjustly detain y^e damage
 of y^e Plaintiff 8000^l of 100^l And thereupon he brings this Bill to Earl & quod Medo q^{ue} In Doe R. Roe
 And y^e Plaintiff by Ephor Philipson his Attorney comes & defends y^e force & injury whereof and saith
 y^e Defendant is not guilty as y^e Act of Assembly above hath declared And of this he puts himself upon y^e
 Country and y^e Plaintiff in like manner
 Command was therefore given to y^e Sheriff of y^e County of y^e Plaintiff wth out delay to come here
 to doo & by whom &c. Who neither &c. To recognize &c. Because a small &c.
 And now here at y^e Court Edward Mathew Esq^r Sheriff of y^e County and make & return
 of y^e Plaintiff in all things served & executed And y^e Jurors by y^e Plaintiff's Sheriff impanelled being called
 likewise come vizt Rich^d Smith Tho^s Church Tho^s Othman In^o Ward Tho^s Browning In^o
 Hoys In^o Law Tho^s Fryer Moses Alford In^o Gale Will^m Johnson & In^o Trowg Who to speak
 of truth of y^e Plaintiff's misse being duly objected & sworn having heard their Evidence & had
 their charge doo wth draw from y^e Barre and after some time doo returne and upon their
 Verdict doo say y^e Plaintiff's Barney is not guilty as y^e Act of Assembly hath declared Whereupon
 y^e Plaintiff by his Attorney prays Judgm^t on y^e Plaintiff's Verdict & therefore it is considered by y^e
 Court here y^e Plaintiff's Barney take nothing by his Writ & doo &c. But y^e Plaintiff's Attorney
 of prosecuting for his false clamour be in mercy and y^e Plaintiff's Barney goe thereof wth out day & doo
 y^e Plaintiff doo also recover ag^t y^e Plaintiff's Barney y^e sum of fifty pounds of 100^l for his
 Non suite & also y^e sum of six hundred forty six pounds of 100^l costs by y^e Plaintiff's Barney & his
 expenses in this behalf expended and by y^e Court here of his assent adjudged And y^e Plaintiff's Barney
 Plaintiff have thereof Execution

I have Copy taken from y^e Records of Cecil County
 In: Dowdall's Cur Com'ce

1707 Fran^{co} Barney D^o
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And now here y^e Plaintiff's Barney by y^e Attorney Ephor Philipson his Attorney moves y^e Court that
 for y^e Plaintiff's costs & charges in Cecil County &c. upon y^e Non suite &c. and for y^e Plaintiff's Barney
 Fran^{co}