

Sept 16th Feb 1707
March 18th 1706

Then came y^e wth Will^m Harris and made Oath in due forme to y^e n^o in Acc^t and
y^e ho has rec^d noo^t y^e nor full thereof but what he has gave just credit for to
y^e best of his knowledg

And y^e s^r Deft in their s^r capacity by Rich^d Hunter their Atty comes p^r defend y^e
fore injury wh^o p^r And pray^s Judgm^t if y^e s^r Atty his Acc^t of just o^r safe
for y^e sum of nine thousand one hundred & nineteeen pounds of Tol^o p^r seven shill^o p^r one
penny p^r Ballance of y^e Acc^t mentioned in y^e s^r Atty doct^r ag^t them y^e s^r Edw^d Thomas
in their ass^r capacity ought to have p^r maintain^d because they say there is Deft of a
higher nature com^g ag^t y^e Estate of y^e s^r Toffaler under his hand and under his hand
Leas^r Viz^t

By his Bond to Mr. Rich ^d Bennett for y ^e sum of	161 : 4 : 3
By his Bond to do ^r for 500 for performance of p ^r paym ^t of	60 : 0 : 0
By his Bonds Bills to do ^r for 12955 of Tol ^o	53 : 19 : 7
By his Bill to Perry Brown for 5234 of Tol ^o	21 : 16 : 1
By his Bill to Solomon Wright for 2000 of Tol ^o	8 : 6 : 8
By his Bond to our Lady of Exeter for	300 : 0 : 0
By his Acc ^t madou ^t w th y ^e Comm ^r of Gen ^l for	130 : 0 : 0

amounting in all to y^e sum of seven hundred thirty & five pounds six shill^o & seven
pence p^r And they have cut Assets come to their hands to administer o^r Ex^r of y^e s^r
Elias in all six hundred sevenly & one pounds eight shill^o & two pence halypenny p^r
is not suffic^t to satisfy y^e s^r seven hundred thirty & five pounds six shill^o & seven
pence p^r wth according to a certain Act of Assembly of this Province now in force
in y^e behalfe made & provided y^e s^r Deft in their ass^r capacity soo farr as they have
Assets are at their full bound to pay & satisfy before Defts of an inferior nature
w^{ch} they are ready to verify whereupon they pray Judgm^t as a s^r and y^e y^e a s^r Wth
from having his Acc^t ag^t them may be do^r barr^d p^r Hunter p^r Deft

And y^e s^r Atty by his ass^r Atty saith y^e s^r Plea of y^e Deft ass^r p^r matter therein contain^d
is not suffic^t in Law to do^r barr^d him y^e s^r Atty his Acc^t ass^r to have p^r maintain^d &
And y^e ho to y^e plea in manner & forme order time as now p^r leade hath noo need
by y^e Law of y^e Land is oblig^d to answer And for cause of Demurrer he saith y^e wth
y^e Deft^r is in y^e writt or gooth wth writt soo as y^e Deft when arrested may know
y^e cause of Acc^t they have noo need to in par^t generally y^e wth p^r neither by Law
can they stand in abatem^t after such Impar^t but such is y^e case of y^e Deft here at
time as y^e s^r Atty is ready to verify Besides y^e substance of y^e plea being in abatem^t
Deft ought not to conclude in barr of y^e Acc^t for y^e is monstrous Pleas in Barr and
abatem^t being of such different nature y^e they are altogether inconsistent or at y^e
best can produce noo other than a spurious Offspring of Law here And y^e the
Conclusion of this y^e Deft plea is such y^e ass^r Atty is ready to verify wherefore for
want of a suffic^t Answer or plea in due order time & forme y^e Atty pray^s Judgm^t to
wth damages above declare^d for him to be adjudg^d p^r Philipson p^r quer

And now here all singular y^e matters ass^r being read by y^e Consent of both Parties
leave of y^e C^o y^e ass^r plea and Demurrer are sett aside And y^e s^r Deft say^s
they