

Sept. 1707

theron contained is not sufficient in Law to debar y<sup>e</sup>. P<sup>l</sup> of his Accion aft. And y<sup>e</sup>. h<sup>o</sup> l<sup>o</sup> p<sup>l</sup>ea in manner & forme aft. pleaded hath noo need nor by y<sup>e</sup>. Law of y<sup>e</sup>. Land is oblig'd to be pleaded because he saith y<sup>e</sup>. a p<sup>l</sup>ea grounded upon a genall Statute or Act As this Act of limitation is ought by Lawe wither in due order of pleading wholly to be recited or else not at all to be recited for y<sup>e</sup>. Lawe hath negative pregnant, dark & uncertaine forms & fallities to w<sup>ch</sup>. noo direct answer can be given And to alledge y<sup>e</sup>. theron such a genall Act w<sup>th</sup> out the restriction as this Both p<sup>l</sup>ea doth is false and not to alledge y<sup>e</sup>. Restriction is alsoo dark & uncertaine to w<sup>ch</sup>. noo direct answer can be given for it is Evident from y<sup>e</sup>. same Act y<sup>e</sup>. if y<sup>e</sup>. P<sup>l</sup> may beyond Sea as in England or at any uncertainty of finding y<sup>e</sup>. Effect w<sup>o</sup> w<sup>o</sup> y<sup>e</sup>. doc. Dow. That part tympitting to three years in y<sup>e</sup>. Act will not prevail ag<sup>t</sup>. him And this is ready to verifie Wherefore for want of suffic<sup>t</sup>. alledgeance (viz<sup>t</sup>. y<sup>e</sup>. P<sup>l</sup> was not beyond Sea nor at any uncertainty of finding Effect or y<sup>e</sup>. P<sup>l</sup> hath been qualified as Adm<sup>r</sup>. above y<sup>e</sup>. full three years before commencing his Accion soe as y<sup>e</sup>. Cause of Accion thereby accruing ag<sup>t</sup>. y<sup>e</sup>. P<sup>l</sup> y<sup>e</sup>. P<sup>l</sup> might have legall knowledge of y<sup>e</sup>. same and have commenced his suite w<sup>th</sup> in three years) he prayes Judgm<sup>t</sup>. p<sup>ro</sup> his damages declared for as aft. to him to be adjudg<sup>d</sup>. p<sup>ro</sup>.

Philipson p<sup>ro</sup> quer

And y<sup>e</sup>. aft. Doct by his aft. Att<sup>y</sup> for Rejoyndor saith y<sup>e</sup>. he hath in his p<sup>l</sup>ea alledge Suffic<sup>t</sup>. matter in Lawe y<sup>e</sup>. aft. P<sup>l</sup> from have his Accion aft. ag<sup>t</sup>. him ought to be barred w<sup>ch</sup>. y<sup>e</sup>. aft. Doct is ready to verifie W<sup>ch</sup>. s<sup>t</sup>. matter y<sup>e</sup>. aft. P<sup>l</sup> hath not gainsay'd nor to y<sup>e</sup>. same hath any ways answered or replied but he hath theroo<sup>f</sup> he hath altogether refused to admit Whereupon y<sup>e</sup>. aft. Doct. craves Judgm<sup>t</sup>. and y<sup>e</sup>. y<sup>e</sup>. aft. P<sup>l</sup> from having his Accion aft. ag<sup>t</sup>. him may be barr'd p<sup>ro</sup>.

Hunter p<sup>ro</sup> Doct

And now here all singular y<sup>e</sup>. matters aft. being read & heard and by y<sup>e</sup>. J<sup>o</sup>. here fully understood and mature deliberation being thereupon had & taken It is Considered by y<sup>e</sup>. J<sup>o</sup>. here That y<sup>e</sup>. p<sup>l</sup>ea of y<sup>e</sup>. aft. Doct in manner aft. pleaded is not suffic<sup>t</sup>. in Lawe y<sup>e</sup>. aft. P<sup>l</sup> from having his Accion aft. ag<sup>t</sup>. him y<sup>e</sup>. aft. Doct to debar Therefore it is further Considered by y<sup>e</sup>. J<sup>o</sup>. That y<sup>e</sup>. s<sup>t</sup>. Will<sup>m</sup>. Harris doe recover ag<sup>t</sup>. y<sup>e</sup>. aft. Will<sup>m</sup>. Worrell Adm<sup>r</sup>. of y<sup>e</sup>. goods & chattells of y<sup>e</sup>. s<sup>t</sup>. Edw<sup>d</sup>. Swatnam y<sup>e</sup>. aft. Sum of four thousand five hundred ninety three pounds & three quarters of a pound of 10<sup>s</sup>. damages by y<sup>e</sup>. s<sup>t</sup>. Will<sup>m</sup>. by occasion of y<sup>e</sup>. y<sup>e</sup>. misses aft. Sustained and alsoe y<sup>e</sup>. Sum of four hundred fifty six pounds of 10<sup>s</sup>. Costs by y<sup>e</sup>. s<sup>t</sup>. Will<sup>m</sup>. at this suite in this behalf expended and by y<sup>e</sup>. J<sup>o</sup>. here of his assent adjudg<sup>d</sup>. of y<sup>e</sup>. goods & chattells of y<sup>e</sup>. aft. Edw<sup>d</sup>. Swatnam in his hands to be administered If soe much in his hands he have And if soe much in his hands he have not then y<sup>e</sup>. J<sup>o</sup>. aft. of his owne proper goods & chattells And y<sup>e</sup>. s<sup>t</sup>. Will<sup>m</sup>. Worrell Adm<sup>r</sup>. as aft. in moneys

Jam<sup>s</sup> Smith p<sup>ro</sup>

Will<sup>m</sup>. Pott Gent & Jam<sup>s</sup>. Gallaway p<sup>ro</sup>

County of James Gallaway of Kent County aft. Planter & Elizabeth his Wife are attached in Maryland to answer unto Will<sup>m</sup>. Pott of s<sup>t</sup>. County Gent of a p<sup>l</sup>ea of Trespass upon y<sup>e</sup>. Case And whereupon y<sup>e</sup>. s<sup>t</sup>. Will<sup>m</sup>. by Ephor Philipson his Att<sup>y</sup> complains for y<sup>e</sup>. wherous y<sup>e</sup>. aft. Will<sup>m</sup>.