

June Court 1719

he prays Judgment if the afd ptt in action afd against the Said Deft to have and maintain ought to be

And the afd Henry Ward for that the afd Wm Frisby by his plea afd doth not deny but that the account afd lately hereinto Court brought afd is a just and true debt as yet unpaid and no way satisfied or discharged and for that the afd Henry Ward cannot deny but that the Said Deft William hath not nor at the Day of the Impetration of the original writ of the Same ptt nor ever after nor heretofore had not any of the goods or Chattells which were of the afd testate at the time of her death in his hands to be Administered prays Judgment for his Damages afd by him above demanded of the goods and Chattells which were of the afd testate at the time of her death and which to the hands of the afd William heretofore shall come to be Administered. Therefore it is Considered by the Justices here the 19th day of June Anno Dom 1719 afd that the afd Henry Ward shall recover against the Said William Frisby Dam as afd as well the Sum of Two Thousand Six Hundred Eighty & four pounds of Tobacco Damages afd of the goods and Chattells which were of the afd Sarah Davis at the time of her death and which shall hereafter come to the hands of the afd William Frisby to be Administered And the afd Wm Frisby in mercy

This being an action of D. for the Sum of 6872 & no Debt being pd in the Same And that the Same hath continued above one Year on the Docket from this day. So that it appears to y^e Court that the Same hath been wholly the neglect of the ptt for as much as the ptt hath pd no Debt in the Same Action: Wherefore the D. Deft by Thomas Browne his atty prays that the ptt may pay Cost for that the action hath continued so long & hath not Declared. Therefore it is Considered by the Justices here the 19th day of June Anno Dom 1719 that the afd Henry Ward take nothing by his writ afd but be in mercy for his false Claimor and that the Said Wm Frisby Dam as afd go thereof without day And also it is Considered by the Justices here that the Said Wm Frisby do recover against the Said Henry Ward the Sum of Two hundred Fifty Three pounds of Tobacco by the Court here adjudged unto him for his Costs and Charges by him about his defence in this behalf laid out and Expended according to the forms of the Statute or

Wm Frisby

Roger