

April Court ---- 1723 (34)

Att which said next Court to witt the Twentieth day of November Anno Domini One thousand Seven hundred and twenty two Comes againe the said Parties by their attorney's etc and the said doct by her said attorney Gray for the Leave to Ingarte her writs witt the next Court and she hath it and the same day is given to the C^{ts}. also

Att which said next Court to witt the Nineteenth day of March Anno Domini One thousand Seven hundred and twenty two Comes againe the said Parties by their attorney's etc, and thereupon the Court adjourns witt the Last Tuesday of Aprill being the thirtieth day of the same month Anno Domini One thousand Seven hundred and twenty three, on which day and Year Last mentioned the Court satt againe, and then and there come the said Party C^{ts} and doct by their attorney's etc and the said Esther Skivvin by her attorney etc as before said the fore and injury whereof and prays Judgment of the declaration etc because she saith that the doct etc and the matter in the same contained are Insufficient in Law the action of them the said Ebbinger and Ericilla against her the said Esther to have and maintain to which doct the said Esther needs not nor by the Law of the Land is she obliged in any manner to answer and this she is ready to verifie wherefore for want of a sufficient declaration in that Part the said Esther prays Judgment and that the said Ebbinger and Ericilla from having their action etc against her may be barred and for causes of Demurrer

the said Esther according to the form of a Statute she doth to Court here the reasons following first for that it doth not appear by the said declaration that the Brie of Exchange was tendered to and demanded of Thomas Hanner to whom it was directed

2^dly. No assumption is laid to be made by William Skivvin in his Life time or by the C^{ts} after his death Lastly a Declaration is Erronious in matter of Substance and wants form All of these

And the said Ebbinger and Ericilla for that they have above in declaring alledged sufficient matter in Law to maintain their action etc against the said Esther which they are ready to verifie which certain Matter the said Esther doth not gain say nor shew to in any wise answer Answer but that verification to admitt al together refuses Gray Judgment and then Damages by occasion of the Errors to them to be adjudged etc. Wm. Saywell

Whereupon all and singular the Errors by the Court here seen heard and fully understood and Mature deliberation thereupon had for that it seems to the Court here that the declaration etc and the matter therein contained are sufficient in the Law for them the said Ebbinger and Ericilla Burton Es. to have their action etc against her the said Esther Skivvin Es. to have and maintain Therefore it is considered by the Justices here the thirtieth day of Aprill Anno Domini One thousand Seven hundred and twenty three etc that the said Ebbinger and Ericilla Burton Es. of the same Samuel Hander Es. recover against the said Esther Skivvin Es. of the same William Skivvin Es. as well the sum of ten pounds Sterl. then Damages etc, as thirty Shillings Sterl Damages allowed by act of assembly by occasion of the Errors etc, which said Damages amount to in the

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(whole)