

June Court . . . 1723 . . . 62

Directed Likewise Comes and makes Return thereof to the Court here Endorsed in these words Vizt.

Made known of Joseph M^r. Foster Sheriff

And the said John Gunby and Sarah his wife Esq^r as affs by Levi Gale their attorney found and defend the force and Injury when Esq^r and prays Leave to Judge here unto in the next Court and they leave it and the same day is given to the Esq^r also

At which said next Court to wit the Eighteenth day of June A^d Dowd One thousand seven hundred and twenty three Court again as was the said Nathaniel Torrey by his attorney Esq^r the said John Gunby and Sarah his wife Esq^r as affs by their attorney Esq^r and the said John Gunby & Sarah his wife Esq^r as affs by their said attorney as before defend the force and Injury when Esq^r and says that the said Nathaniel his Execution affs against them for the debt and Costs affs ought not to have because they say that he has no such bond of the recovery of the debt and Costs affs as by his writ affs above suggests and that they are ready to satisfy wherefore they pray Judgment if the said Nathaniel his Execution against them for the Debt and Costs affs ought to have Esq^r L. Gale Esq^r Dofse

And the said Nathaniel saith that he by any thing Esq^r alleged from having his Execution affs against the said John Gunby and Sarah his wife as Esq^r affs ought not to be Esq^r because he saith that he hath a bond of the recovery of the Debt and Costs affs between him the said Nathaniel and the said John Gunby and Sarah his wife Esq^r as affs in the County Court of the right town the said Proprietary of this Province who to wit at dividing Creek in the County of Somerset his remaining as he by his writ affs above suggests as appears of the term of November A^d Dowd One thousand seven hundred and twenty one and prays that the term and roll thereof by the Justices here may be seen and Inspected Esq^r and the Record thereof may be had Esq^r H. Atter Esq^r Dofse

Whereupon the term and roll affs by the Justices here being seen and Inspected it sufficiently appears that there is not any such bond of the recovery affs as the said Esq^r above in his writ affs hath alleged, Therefore it is Considered by the Justices

here the Eighteenth day of June A^d Dowd One thousand seven hundred and twenty three affs that the said Nathaniel Torrey take Nothing by his writ affs but be in money for his false Claim and that the said John Gunby and Sarah his wife Esq^r as affs have done of without day Esq^r and also it is Considered by the Justices here that the said John Gunby and Sarah his wife Esq^r as affs recover against the said Nathaniel Torrey the Sum of One hundred & Eighty Eight pounds of Robams by the Court here ad judged unto them for their Costs and Charges by them about their defence in Behalf said Esq^r and Esq^r according to the form of Statute lately made and Provided, and that thereof they have their Court

J. A. Charles Raliff Esq^r
of Warr. Raliff

The Collins - Richd. Hudson
Esq^r Wm. Walton Esq^r of Wm.
Martin Dale

Memorandum the Esq^r by Thomas Allen his attorney sued out his Lordships writ of attachment against the said Nathaniel Torrey the tenour of which writ follows in these words Vizt. (8)

John Galt County of Charles absolute Lord and Proprietary of the Province