

March Court --- 1725 --- 120
to the said Elea the Defendant's Gale - and the said Dofh. Dashiell
Whereupon all and singular the Premises by the Justice here seen heard and fully understood it seemeth
to the said Justice here that the Plea of the said Dofh above in bar pleaded, is not sufficient in the Law
to the said Elea of his action as to have and preclude &c.

There fore it is considered by the Justice here the Eighteenth day of August and doth One thou-
sand Seven hundred and twenty five as that the said John Cumberbatch Recover against the said Jacob Mes-
sick as well the Sum of two pounds, twelve Shillings and Eleven pence Current money his Damages by
Reason of the premises as also the Sum of two hundred and sixty three pounds of tobs by the Court
here adjudged unto him for his Costs and Charges by him about his Suit in this behalf Said out Expended
and the said Dofh in mercy &c. -

Whereupon the said Jacob Messick by his attorney as prays that according to act of assem-
bly in such case made and provided the Court would dissolve in to a Court of Chancery, in the action as
which is accordingly granted, and ruled that the said Jacob Messick receive his Bill in the Premises
as which Bill follows in these words: *Be it Remembered that this 19th day of August and doth*
One thousand Seven hundred and twenty five Jacob Messick by George Dashiell his attorney and
Esquire his Bill of Complaint in Chancery shews to your Honours that this day Judgm^t was given
ag^t him in an action Brought ag^t him by John Cumberbatch for two pounds Twelve Shillings Eleven
pence Current money of this province which said Sum was attached in your hands of your Complainant by
a certain Rich^d Tyler as of Effects of Joshua Messick in your year of one thousand Seven hundred
and twenty two & there was Condemnation of said Sum before said Court then sitting,
since said by your Complainant to your said Tyler as he ready to make appear to your Honours &
faith of your Complainant never did or anything to your said Cumberbatch by any other means then
- on acct. of his Brother Joshua as for which he past his Note to your said Cumberbatch on which of
action as is Brought before the said Tyler attached in his of your Complainant hands therefore of
Complainant prays your Honours to resolve of selves into a Court of Equity then there to hear the
Matter fully according to act of assembly of this province & to doe therein as it shall seem good
according to Equity & Good Conscience in which of your Complainant prays Relief -
George Dashiell pr^r Cof

And the Dofh in Chancery in Cumberbatch by Semi Gale his attorney comes and says that the fact.
above alleged are not sufficient for the Court to set aside the Judgm^t given at Law without that &c.

Whereupon all and singular the premises as being seen, and by the Court *of the said Dofh* fully understood it seemeth
to the Court here that the Damages is insufficient to set aside the Bill as, and it is further said by
the Court, the said Dofh that he further answer the Bill as of the said Complainant by Next Court &
Same day is given to the Complainant also - At which said Next Court to with the five and twentieth day
of Novemb. and doth One thousand Seven hundred & twenty five come again as well the said Complainant
as the said Dofh. and the Bill as of the said Complainant is continued by the Court, until next Court for the
said Dofh to make answer &c. and the same day is given to the said Complainant also -

At which said Next Court to with the five and twentieth day of March and doth One thousand Seven hundred
and twenty five come again, *the said Dofh* by his attorney as prays that the said Dofh to his Bill as may
answer, but the said Dofh altho' solemnly called came not but made default &c. -

Therefore it is considered by the Court here, and decreed that noe Exemption Issue on
the Judgm^t as at Common Law Rendered on behalf of the said John Cumberbatch against the
(as)