

November Court 1700 - 29

thereof as also by virtue of the Statute in that we lately made and provided the said James became liable to pay the said William Cornwallis in his Life time the said Six pounds and three Shillings according to the tenor of the said note and so being chargeable the said James at towards to with the said Sixteen day of December in the year Seventeen hundred and twenty seven at Somerset County as within the Jurisdiction of the said James did assume and the said William Cornwallis in his Life time should and there did faithfully promise to pay the said Sum of money according to the tenor of the said Note never the less the said James his promise and assumption of money in force aforesaid made nothing regarding but plotting and fraudulently detaining the said William Cornwallis in his Life time and the aforesaid Rebecca and John after the Death of the said William Cornwallis in that ple Craftily and Subtly to Deceive and defraud the said Six pounds & three Shillings to the said William Cornwallis in his Life time or to the said Rebecca and John after the Death of the said William Cornwallis in his Life time or to the said James by the said William in his Life time to with on the thirteenth day of December Ann^o Dom^o Seventeen hundred and twenty seven at and after the said day and by the said Rebecca and John since the Death of the said William to with on the second day of May Ann^o Dom^o Seventeen hundred and thirty and often afterwards at Somerset County as within the Jurisdiction of the said James there unto requested But the same to the said William in his Life time or to the said Rebecca and John since the Death of the said William or to any of them to pay hath refused and the same to the said Rebecca and John to pay still doth refuse and deny to the Believing them in the Execution of the Last will and Testament of the said James whereupon they bring Suit there are waste and have Damage to the Value of twelve pounds money as and thereupon they bring Suit and bring into Court here the Petitioners as by the Petitioners Petition Plea & Deft - R Noe -

And the aforesaid James Shirley by his attorney comes and defends the force and injury done and prays Leave to Imparte here unto until the next Court which is given to the aforesaid party here also All which said next Court to with the Eighteenth day of August Ann^o Dom^o One thousand Seven hundred and thirty one the said James Shirley as the aforesaid James by their attorney aforesaid, and having come again as well the aforesaid Rebecca and John as the aforesaid James by their attorney aforesaid, and having on the said James prays further Leave here of to Imparte here until the next Court and he hath it and the same day is given to the aforesaid party here also

All which said next Court to with the Seventeenth day of November Ann^o Dom^o One thousand Seven hundred and thirty one the said Rebecca and John, as the aforesaid James by their attorney aforesaid and having on the said James Shirley as before defend the force and injury when he said that the aforesaid Rebecca and John their action aforesaid against the said James whereupon to have and maintain ought not because he saith that altho well and true it is that the said James did assume upon him self in manner and form as the above Rebecca and John against him hath complained nevertheless the said James saith that since the assumption of said James made he the said James to with the Seventeenth day of Decemb^r Ann^o Dom^o One thousand seven hundred and twenty seven at Somerset County within the Jurisdiction of this Court hath an Act of his own against the said William for one Suit of Scarlet Gause Curtins amounting to the Sum of Sixty pound, three Shillings, which he prays may be Discounted against the debt of the said William according the true force and effect of an Act of Assembly of this Province now in force in such Cases made and provided and this he is ready to verify whereupon he prays Judgment if the said Rebecca and John claim any of the said upon against him the said James ought to have and maintain &c

Rebecca Cornwallis Esq^r and John May Esq^r of William Cornwallis de^d to James Shirley
1727 To 1 Suit of Scarlet Gause bed Curtins flowered 60 3/4
Subler is
By my Cash note dated 16th 1727 for 60 3/4
Errors Excepted by me this 5th of Sep^r 1730/ In Shirley

James Shirley then came into Court James Shirley and did then and there before the Worshipfull Wth Stannard and the 20th 1730/ his associates Justices of the Peace Court Individually sitting made oath on the Holy Evangelist of almighty God that the above Act as it stand, stated against the Es^r of Wth Cornwallis de^d is Just and true and that he had not use part or parcel thereof or any thing in Satisfaction more than Credit Given - Thomas Hayward Esq^r Court Clerk

and the aforesaid Rebecca and John say that by any thing by the said James in his plea alledged from (having)