Can be made forby any intendment in Law as being Neither Goods Sold or Tobacco paid by the one for the other Debtor, Therefore He ought to have brought his Quantum meruit for the same and not to be his own Lawyer therein, Yea though the usage allowed to the Sheriffs for Collecting publick Due be Temporall. Yet private persons for Collecting their Debts Do not allow so much. Nor ought he to have it without proofe of an agreement for so much, wch was not done, and so the Verdict without proofe to warrant the same is vitious and Erroneous

Lastly) The Charge in the Jury and Verdict Cause of action, As, some for Merchants Goods Sold and Delivered some for Publick and Officers fees, Engagements for Servants Wages, Mony advanced of Severe Servants and Disturbers pleas, and therefore the plaintiff ought not to have joyned the same in one action Merchants accompt with Officers fees &c but ought to bring Severall Actions for the same, Thus it is like the Case of an Attorney for brought against an Executor for goods bought by his Testator, Yea Him itself, we cannot bring one action Thus for that reason the same is also vitious and Erroneous

Thus therefore for the reasons aforesaid the said Deft prayes that the said Judgment may be arrested, and that the said Deft may have his costs &c

Sith Reasons aforesaid being heard and search and by the Justices here fully understood & Diligently Examined It seemeth to the same Justices here that the reasons aforesaid are insufficient in Law to arrest Judgment upon the Verdict of the Jury aforesaid, Therefore It is considered by the Court here that the said Gernand his Suit against the said Margarett Scagg Adm. as aforesaid ought to be found & stand Thousand three hundred fifty four pounds of Tobacco Damages by the Jury aforesaid in form aforesaid assessed as also the summe of pounds of Tobacco for costs of Suites, and the said Deft in Mercy &c

Edward Lynn Who appeared &c Anthony Demondavin

Anthony Demondavin late of Baltimore County gent was attached to answer unto Edward Lynn Who appeared for the Right Honble the Lord Baron of Baltimore for himself in this behalf followeth &c. in a plea of Trespass upon the case

Wherein the said Edward Lynn by George Barker his Attorney appeared for the Right Honble the Lord Baron as for himself complaineth. That Whereas by a Generall Act of Assembly made at a Generall Assembly begunne and held at the City of St Maryes the Eighteenth Day of May in the first year of the Dominion of the Right Honble Charles absolute Lord and Baron of the Province of Maryland &c Anno Dom. 1676 It was amongst other things Enacted by the Right Honble the Lord Baron by and with the advice and consent of the upper & Lower House of that present Generall Assembly That all persons Who shall Desire marriage have liberty to apply themselves either to the Chiefe Minister Pastor or Magistrate for the contracting thereof, And It was further Enacted by the authority aforesaid That all persons within the Province of Maryland intending marriage should make Publication thereof either in the Church or Chappell or County Court or meeting house next Where they Dwell so that at just hours at such Church Chappell or Meeting house be free and thereby capable to take Cognizance thereof, And that it shall and may be lawfull Upon Certificate had from the Chiefe Minister Pastor or County Court where such Publication shall have been made of three weeks after the said Publication for either Minister Pastor or Magistrate to Joyne in Marriage such persons as aforesaid, And if any presume to contract Marriage without such publication made and Certificate thereof ut supra as aforesaid, and without particular Licence from the

The Right Honble the Lord Baron or his Lieutenant Generall or Chiefe Governor for the time being Do privately within the Limits of this Province contract Marriage, Every person so contracting or marrying shall be Liable to a fine of One thousand pounds of Tobacco, and every such Chiefe Minister Pastor or Magistrate joyning in marriage any persons without such Publication or Licence or any wayes dispensing the said Oath shall be Liable to a fine of five thousand pounds of Tobacco, One half thereof to the Lord Baron and the other Moiety to the Informer To be Recovered by Bill Plaint action of debt or information in any Court of Record Wherein no Essoyne protection or wager of Law to be allowed, And it is further Enacted by the authority aforesaid That all such marriages as shall be made & celebrated before some Christ Minister Pastor or Magistrate without first sufficiently witnessed at the Place according to the forme before mentioned shall be and are hereby declared Null and void, The said Edward Lynn in fact saith That the said Anthony Demondavin being one of the Lordes Justices of the Peace for the County of Baltimore, Not Ignorant of the premisses but the said Act notwithstanding. Did upon the 20th day of January in the yeare of our Lord God 1670 privately within the Limits of the said Province of Maryland Joyne in Marriage One Christopher Randall and Johannah Norman Widdow wch wants such publication made or Certificate thereof had as aforesaid or without particular Licence from the Right Honble the Lord Baron or his Lieutenant Generall or Chiefe Governor for the time being, contrary to the said Act of Assembly Whereby an action is accrued to the said Edward Lynn to have and Demand of the said Anthony Demondavin Two Thousand five hundred pounds of Tobacco being the One Moiety of the Thousand pounds of Tobacco according to the said Act and thereupon he brings his suite

And the said Anthony Demondavin by Robert Carvile his Attorney Especially admitted by the Court of this Court Cometh and Defendeth the force and injury when &c. & prayeth Liberty to imparle hereunto until next Provincial Court and it is granted unto him. The same Day is given to the plaintiff also

At wch said next Provincial Court came the said parties by their Attorneys aforesaid to the said Anthony Demondavin by his said Attorney saith the hearing of the Information aforesaid and it is read unto him, Which being read and by him understood the said Anthony Complaineth him by Colour of the premisses to be greiviously molested and that unjustly, and that the said Edward Lynn Who appeared for himself as the Lord Baron in this behalfe followeth by reason of the premisses in the Information aforesaid above specified the said Anthony Ought not to sue or impeach, because he saith, That by one Act of Parliament begunne and held at St Mynister the fourth day of February in the One & thirtieth year of the Raigne of the late Queene Elizabeth and there continued unto the Dissolution thereof being the Nine and twentieth day of March Intituled an Act Concerning Informers It is amongst other things Enacted That all and every Informacons wch after twenty days after the end of the Sessions of that Parliament should be sued brought sued or Prosecuted for any forfeiture upon any Statute Enacted made or to be made whereby the forfeiture is or shall be limited to the Queene her heirs or Successors only, shall be sued brought sued or Prosecuted within two years next after the Offence committed against any such Act Enacted and not after two years Thus that all actions Suites Bills or Informations wch shall be after the said twenty Days sued brought sued or Commenced for any forfeiture upon any Enacted statute made or to be made (Except the Statute of Tillage) the moiety thereof or shall be by the said Statute Limited to the Queene her heirs or Successors and to any other person with shall be prosecuted in that behalfe shall be sued brought sued or Commenced by any person that may lawfully sue for the same as aforesaid

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