Apr. Term 1703

mi lending the said Thomas Smeeth[?] in his Office of Register of the Prerogative Court of Canterbury to — deceased & praid the that said William Bent Executor of the Last will & Testament of the said Thomas Laurence — Esq. might be sworne in due forme of Law Limited & Appointed to him for the Granting Administration of the Goods Chattels & Debts of the said Thomas Laurence Esq. deceased & for the Debt & Costs of Suite in this Cause mentioned to be paid & Satisfyed — Unto him & to do that & all other things Lawfully required & Appertaining to the Office of Register of the Prerogative Court of Canterbury to the said Thomas Smeeth[?] Esq. belonging & Thereupon the Right Worll. Doctor Lewis Dyve —

Whereupon the said William Bent in his proper person Comes & Prays leave to Imparle hereunto until next Court and he hath it is Rule day is given the Plaintiff also

At which said next Court to wit this twenty Eighth day of April Anno Dni 1703 Comes as well the said Thomas Smeeth Esq. by his Attorney as the said William Bent in his proper person and the said William Bent in his proper person Defends the Force and Injury when &c. and Says that the said Thomas Laurence his late Testatrix did not assume upon himself in Manner and Forme as the Plaintiff hath above against him and of this he puts himself upon the Country & the Plaintiff also

Thereupon Command is given the Sheriff of Cumberland County that he Cause to Come Twelve Lawfull Men &c. and the Sheriff Returns that he hath not made use of the Bailiffe of Liberty because &c. & thereupon the said Sheriff makes use of the Bailiffe of Liberty who is ready Twelve &c. as by the said Sheriff is Returned & it was Commanded him

And now Here at this day to wit the same day and place Comes as well the Plaintiff by his Attorney aforesaid as the said Defendt. in his proper person aforesaid and the Jurors of the Jury Impannelled being Called Likewise &c. Robt. Martyn, Thomas Sellers, Simon Edwards, Thomas Capstick, Thomas Fisher, Samuel Tyldesley, James Mullikin, Jacob Cockerman, Edward Wilkinson, Thomas Lowther & Thomas Tyldesley Twelve of the Jurors in the Writ aforesaid Elected Tryed and Sworne to say the Truth of the Premises upon their Oaths do say upon their Oaths aforesaid that the said Defendt. is Guilty of the Premises in the Declaration & Complaint aforesaid in Manner & Forme as the Plaintiff hath above against him Declared & Assessed the Damages of the said Plaintiff by occasion of the Premises aforesaid to Twenty Pounds of Lawfull Money of England besides his Costs & Charges by him about his Suite in this behalf Expended & the said Jurors upon their Oaths aforesaid do say that the said Defendt. hath not Goods or Chattels in Manner & Forme as the Plaintiff hath above against him Suggested to be found &c.

Thereupon the Plaintiff by his Attorney aforesaid Prays Judgment against the said Defendt. for his Damages aforesaid by the Jurors aforesaid in Manner & Forme aforesaid Assessed & for his Costs & Charges by him about his Suite in this behalf Expended according to the Form of the Statute in such Case made & Provided &c.

Whereupon Edward Dewey Gent. Attorney of Robert Quarry of Cumwhinton in the County aforesaid Yeoman who is by Writ of Latitat against the said Robert Quarry Edward Dewey is Attorney of the Plaintiff upon the Roll.

And Whereupon the said Edward Dewey by Robert Quarry his Attorney brought his Bill against the said Robert Quarry the 26th. Day of March in the Year of Our Lord One Thousand Seven Hundred & Three for that whereas the said Robert Quarry on the Day & Year aforesaid at Cumwhinton aforesaid in the County aforesaid was indebted to the said Edward in the Sum of Seventeen pounds Seventeen Shillings and Eight pence Lawfull Money of England for Ale Beer Cyder & Strong Waters Wines & Tobacco Meat Drink & Wares & Merchandizes at Several times before that time by the said Edward sold and Delivered & Exchanged to the said Robert Quarry at his Request in Consideration whereof the said Robert Quarry upon himself undertook & Promised & to the said Edward Dewey in Manner & Forme aforesaid then & there Promised truly to Pay unto the said Edward the said Seventeen pounds Seventeen Shillings and Eight pence when he the said Robert Quarry should be thereunto afterwards Requested Yet the said Robert Quarry not regarding his Promise & Undertakings aforesaid but Craftily & Subtilly Devising & Intending how he the said Edward Dewey of the Debt aforesaid & Damages by him Sustained by Reason of the Detaining thereof Craftily & Subtilly to Defraud & Deceive the said Edward Dewey the said Seventeen pounds Seventeen Shillings and Eight pence when he the said Robert Quarry afterwards to wit on the Day & Year aforesaid at Cumwhinton aforesaid in the County aforesaid was Requested to Pay the same unto the said Edward Dewey he the said Robert Quarry not only refused but also then & there Craftily & Subtilly Pretended that he the said Robert Quarry had Paid the said Seventeen pounds Seventeen Shillings and Eight pence unto the said Edward Dewey which he the said Robert Quarry then & there Craftily & Subtilly Pretended he was ready to Verify & Prove Whereupon he the said Edward Dewey by Robert Quarry his Attorney aforesaid Saith that he the said Robert Quarry hath not Paid the said Seventeen pounds Seventeen Shillings and Eight pence unto him the said Edward Dewey but the same to him the said Edward to Pay he the said Robert Quarry hath hitherto Craftily & Subtilly Refused & still doth Refuse to the Damage of the said Edward Dewey Twenty Shillings & thereupon he brings his Suite &c.

Whereupon the said William Bent in his proper person Comes & Prays leave to Imparle hereunto until next Court and he hath it is Rule day is given the Plaintiff also

At which said next Court to wit this twenty Eighth day of April Anno Dni 1703 Comes as well the said Thomas Smeeth Esq. by his Attorney as the said William Bent in his proper person and the said William Bent in his proper person Defends the Force and Injury when &c. and Says that the said Thomas Laurence his late Testatrix did not assume upon himself in Manner and Forme as the Plaintiff hath above against him and of this he puts himself upon the Country & the Plaintiff also

Thereupon Command is given the Sheriff of Cumberland County that he Cause to Come Twelve Lawfull Men &c. and the Sheriff Returns that he hath not made use of the Bailiffe of Liberty because &c. & thereupon the said Sheriff makes use of the Bailiffe of Liberty who is ready Twelve &c. as by the said Sheriff is Returned & it was Commanded him

And now Here at this day to wit the same day and place Comes as well the said Plaintiff by his Attorney aforesaid as the said Defendt. in his proper person aforesaid and the Jurors of the Jury Impannelled being Called Likewise &c. Robt. Martyn, Thomas Sellers, Simon Edwards, Thomas Capstick, Thomas Fisher, Samuel Tyldesley, James Mullikin, Jacob Cockerman, Edward Wilkinson, Thomas Lowther & Thomas Tyldesley Twelve of the Jurors in the Writ aforesaid Elected Tryed and Sworne to say the Truth of the Premises upon their Oaths do say upon their Oaths aforesaid that the said Defendt. is Guilty of the Premises in the Declaration & Complaint aforesaid in Manner & Forme as the Plaintiff hath above against him Declared & Assessed the Damages of the said Plaintiff by occasion of the Premises aforesaid to Twenty Pounds of Lawfull Money of England besides his Costs & Charges by him about his Suite in this behalf Expended & the said Jurors upon their Oaths aforesaid do say that the said Defendt. hath not Goods or Chattels in Manner & Forme as the Plaintiff hath above against him Suggested to be found &c.

Thereupon the Plaintiff by his Attorney aforesaid Prays Judgment against the said Defendt. for his Damages aforesaid by the Jurors aforesaid in Manner & Forme aforesaid Assessed & for his Costs & Charges by him about his Suite in this behalf Expended according to the Form of the Statute in such Case made & Provided &c.

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Whereupon Edward Dewey Gent. Attorney of Robert Quarry of Cumwhinton in the County aforesaid Yeoman who is by Writ of Latitat against the said Robert Quarry Edward Dewey is Attorney of the Plaintiff upon the Roll.

And Whereupon the said Edward Dewey by Robert Quarry his Attorney brought his Bill against the said Robert Quarry the 26th. Day of March in the Year of Our Lord One Thousand Seven Hundred & Three for that whereas the said Robert Quarry on the Day & Year aforesaid at Cumwhinton aforesaid in the County aforesaid was indebted to the said Edward in the Sum of Seventeen pounds Seventeen Shillings and Eight pence Lawfull Money of England for Ale Beer Cyder & Strong Waters Wines & Tobacco Meat Drink & Wares & Merchandizes at Several times before that time by the said Edward sold and Delivered & Exchanged to the said Robert Quarry at his Request in Consideration whereof the said Robert Quarry upon himself undertook & Promised & to the said Edward Dewey in Manner & Forme aforesaid then & there Promised truly to Pay unto the said Edward the said Seventeen pounds Seventeen Shillings and Eight pence when he the said Robert Quarry should be thereunto afterwards Requested Yet the said Robert Quarry not regarding his Promise & Undertakings aforesaid but Craftily & Subtilly Devising & Intending how he the said Edward Dewey of the Debt aforesaid & Damages by him Sustained by Reason of the Detaining thereof Craftily & Subtilly to Defraud & Deceive the said Edward Dewey the said Seventeen pounds Seventeen Shillings and Eight pence when he the said Robert Quarry afterwards to wit on the Day & Year aforesaid at Cumwhinton aforesaid in the County aforesaid was Requested to Pay the same unto the said Edward Dewey he the said Robert Quarry not only refused but also then & there Craftily & Subtilly Pretended that he the said Robert Quarry had Paid the said Seventeen pounds Seventeen Shillings and Eight pence unto the said Edward Dewey which he the said Robert Quarry then & there Craftily & Subtilly Pretended he was ready to Verify & Prove Whereupon he the said Edward Dewey by Robert Quarry his Attorney aforesaid Saith that he the said Robert Quarry hath not Paid the said Seventeen pounds Seventeen Shillings and Eight pence unto him the said Edward Dewey but the same to him the said Edward to Pay he the said Robert Quarry hath hitherto Craftily & Subtilly Refused & still doth Refuse to the Damage of the said Edward Dewey Twenty Shillings & thereupon he brings his Suite &c.

Whereupon the said William Bent in his proper person Comes & Prays leave to Imparle hereunto until next Court and he hath it is Rule day is given the Plaintiff also

At which said next Court to wit this twenty Eighth day of April Anno Dni 1703 Comes as well the said Thomas Smeeth Esq. by his Attorney as the said William Bent in his proper person and the said William Bent in his proper person Defends the Force and Injury when &c. and Says that the said Thomas Laurence his late Testatrix did not assume upon himself in Manner and Forme as the Plaintiff hath above against him and of this he puts himself upon the Country & the Plaintiff also

Thereupon Command is given the Sheriff of Cumberland County that he Cause to Come Twelve Lawfull Men &c. and the Sheriff Returns that he hath not made use of the Bailiffe of Liberty because &c. & thereupon the said Sheriff makes use of the Bailiffe of Liberty who is ready Twelve &c. as by the said Sheriff is Returned & it was Commanded him

And now Here at this day to wit the same day and place Comes as well the said Plaintiff by his Attorney aforesaid as the said Defendt. in his proper person aforesaid and the Jurors of the Jury Impannelled being Called Likewise &c. Robt. Martyn, Thomas Sellers, Simon Edwards, Thomas Capstick, Thomas Fisher, Samuel Tyldesley, James Mullikin, Jacob Cockerman, Edward Wilkinson, Thomas Lowther & Thomas Tyldesley Twelve of the Jurors in the Writ aforesaid Elected Tryed and Sworne to say the Truth of the Premises upon their Oaths do say upon their Oaths aforesaid that the said Defendt. is Guilty of the Premises in the Declaration & Complaint aforesaid in Manner & Forme as the Plaintiff hath above against him Declared & Assessed the Damages of the said Plaintiff by occasion of the Premises aforesaid to Twenty Pounds of Lawfull Money of England besides his Costs & Charges by him about his Suite in this behalf Expended & the said Jurors upon their Oaths aforesaid do say that the said Defendt. hath not Goods or Chattels in Manner & Forme as the Plaintiff hath above against him Suggested to be found &c.

Thereupon the Plaintiff by his Attorney aforesaid Prays Judgment against the said Defendt. for his Damages aforesaid by the Jurors aforesaid in Manner & Forme aforesaid Assessed & for his Costs & Charges by him about his Suite in this behalf Expended according to the Form of the Statute in such Case made & Provided &c.

And now Here at this day to wit the twenty Eighth day of September Anno Dni 1703 Comes as well the Plaintiff by his Attorney aforesaid as the said Defendt. by his Attorney aforesaid & the Jurors of the Jury Impannelled being Called Likewise &c. Robt. Martyn, Thomas Sellers, Simon Edwards, Thomas Capstick, Thomas Fisher, Samuel Tyldesley, James Mullikin, Jacob Cockerman, Edward Wilkinson, Thomas Lowther & Thomas Tyldesley Twelve of the Jurors in the Writ aforesaid Elected Tryed and Sworne to say the Truth of the Premises upon their Oaths do say upon their Oaths aforesaid that the said Defendt. is Guilty of the Premises in the Declaration & Complaint aforesaid in Manner & Forme as the Plaintiff hath above against him Declared & Assessed the Damages of the said Plaintiff by occasion of the Premises aforesaid to Twenty Pounds of Lawfull Money of England besides his Costs & Charges by him about his Suite in this behalf Expended & the said Jurors upon their Oaths aforesaid do say that the said Defendt. hath not Goods or Chattels in Manner & Forme as the Plaintiff hath above against him Suggested to be found &c.

Thereupon the Plaintiff by his Attorney aforesaid Prays Judgment against the said Defendt. for his Damages aforesaid by the Jurors aforesaid in Manner & Forme aforesaid Assessed & for his Costs & Charges by him about his Suite in this behalf Expended according to the Form of the Statute in such Case made & Provided &c.