fact says that afterwards Viz. the twenty Sixth Day of October Anno Dom. Seventeen hundred & twenty at London (Viz.) at Dorchester County af. the said Humphry did Exhibit the first of the said Bills the Second Third and Fourth of the same Tenour & Date being unpaid to the said William and then & there required the said Hunt to Receive the first of the said Bills and Pay the Money therein mentioned according to the Tenour thereof which first Bill the said Hunt then & there to Receive or the Money therein mentioned to Pay did wholly refuse and yet doth refuse to the same whereupon the said Humphry after the Expiration of the Twenty Days mentioned in the said Bills for Payment Viz. the Eight twelth Day of November Anno Dom. Seventeen hundred & twenty at London af. (Viz.) at Dorchester County af. the first Bill af. the Second Third Fourth of the same Tenour and Date being unpaid according to the Custom af. did protest or Cause to be Protested and that the Damage Occasioned by the Protestation of the said Bill and the non Payment of the Money therein mentioned Amounts to Eight Pounds Fourteen Shillings Sterling & the Bill which the said Sarah while Sole and after the Death of the said Edward afterwards Viz. the Eightteenth day of November in the year Last mentioned at Dorchester County af. had Protest thereof to the said Edward in his Lifetime or the said Sarah while Sole & since his Death & whereon Administration of the and Singular the Goods and Chattels Rights and Credits which were of the said Edward at the time of his Death at Dorchester County af. in due form of Law was Committed and the said William Fulton & Sarah since their Espousals the Premises and Assumption af. of the said Edward in his Lifetime Little regarding but Contriving and fraudulently Intending him the said Humphry in this behalf Craftily and Subtily to Deceive and Defraud the said Edward in his Lifetime or the said Sarah since the Death of the said Edward and before her Intermarriage with the said William or the said William Fulton and Sarah since their Espousals the said Eighty Eight Pounds Sterling with Cost Damage and Charge Occasioned as af. as af. Amounting in the whole to Eighty Pounds Sterling or any part thereof to the said Humphry hath not Contented or Paid Although often thereunto requested and particularly the said William & Sarah since their Intermarriage (Viz.) the Fifth Day of April Anno Dom. Seventeen hundred & twenty Six at Dorchester County af. and often afterwards but the same to him to Pay the said Edward in his Lifetime the said Sarah while Sole and before her Intermarriage with the said William and the said William and Sarah since the Espousals between them had & Celebrated have refused and the said William & Sarah the same to him to Content or Pay Still do refuse whereby the said Humphry Saith he is the worse and hath Damage to the Value of One hundred and twenty Pounds Sterling and therefore he brings this Suit &c.

Pledges &c. John Doe — Nich. Roe

And the af. William Fulton & Sarah his wife Defendts as af. by Michael Howard their Attorney Come and Defend the Force and Injury when &c. and pray Leave to Imparle hereunto until next Court. And they have it. And the same Day is given to the Pltff. Also — At which said Next Court to wit the 10th Day of September Anno Dom. 1723 Comes again as well the said Humphry Morris by his Attorney af. as the said William Fulton & Sarah his wife Defendts as af. by their Attorney af. And the said William Fulton & Sarah his wife Defendts as af. by their said Attorney pray further Leave to Imparle hereunto until next Court. And they have it. And the same Day is given to the said Humphry Also — At which said Next Court held the 19th Day of May Anno Dom. 1724 Comes again as well the said Humphry Morris by his Attorney af. as the said William Fulton & Sarah his wife Defendts as af. by their Attorney af. And the said William Fulton and Sarah his wife Defendts as af. by their said Attorney as before Defend the Force & Injury when &c. And say that the said Humphry the Action af. Against them to have Ought not because Protesting that the said Sarah had not Notice of the Protestation of the first Bill of Exchange supposed by the Declaration af. to have been drawn by the said Edward on the af. Eightteenth Day of November Protesting Also that the Declaration af. & the Matter therein Contained are Insufficient in the Law for that the Sums of Money therein mentioned are Uncertain to which they have no need nor by the Law of the Land are held to Answer for Also the same William and Sarah say that the af. Humphry his Action af. against them to have Ought not because they say that the af. Sarah the Day of the Impetration of the Writ af. of the said Humphry & Long before did fully Administer all the Goods and Chattels which were of the af. Edward at the time of his Death And that the same William & Sarah have not nor either of them hath any Goods

or Chattels which were of the said Edward at the time of his Death or Afterwards nor had they the af. Day of the Impetration of the said Writ nor Ever Afterwards in the hands of them the said William & Sarah or either of them to be Administred whereof they could Satisfie unto the af. Humphry the af. Severale Sums of Money or any part thereof And this they are ready to Verify Wherefore they pray Judgment of the said Humphry his Action af. Against them to have Ought &c. — And the said Humphry Saith that he by Reason thereof ought not to be Precluded because Protesting that the said William and Sarah had Notice of the Protestation of the said Bill at the time and place in the said Declaration Mentioned for Plea the said Humphry Saith that the said William and Sarah has at the Day of the Impetration of the Original Writ of the said Humphry Divers goods and Chattels which were of the said Edward at the time of his Death in their hands to be Administred to the Value of One hundred Pounds Sterling wherefore the said Humphry of the Money af. in the Declaration af. Mentioned might have been Satisfied (Viz.) at Dorchester County af. And this he prays may be Inquired of by the Country —

And the af. William Fulton & Sarah his wife Defendts as af. Also Which said Issue in form af. between the Parties af. Respectively Joined this Day to wit the twelth day of April Anno Domini Seventeen hundred and twenty Six at the Assizes af. held at Dorchester County af. before the af. Roger Woolford and Wm. Seager Esqrs Justices of the said Lord the Prince for this County af. to take Assizes according to the form of the Act of Assembly in Cases to Trial at which said Day before the said Justices of Assizes came as well the said Humphry Morris by William Cumming his Attorney as the af. William Fulton & Sarah his wife Defendts af. by Michael Howard their Attorney and the Jurors of the Jury being Impanelled Sworn and upon the Issue the Jury being Sworn — Upon the trial of the Issue af. in form af. had the said Wm. Cumming Attorney on part of the Plaintiff then & there given Evidence and produced to the Jurors to Impanelled and Sworn the Bill and protest referred to in the Declaration af. And thereupon the Defendants Attorney Did Interpose and Insist that the said Plaintiff or some Person on his behalf ought by the Law of the Land to prove that the Bill of Exchange whereupon the Suit af. is brought was passed unto him by the said Intestate Edward Bryan and that any part or parcel thereof was paid or any thing given in Satisfaction thereof Howsoever the Justices af. did Declare their opinion and Alledge unto the Jurors af. that by the Law of the Land the Plaintiff needed not to prove and given Evidence to the said Jurors that the af. Bill of Exchange was passed by the said Edward unto the plaintiff the same being by an Act of Assembly of this Province of as high a Nature as Specialty or that any part or parcel was paid or any thing given in Satisfaction And Desired the said Wm. Cumming Attorney on part of the Pltff. produced to the Jury an Inventory of the Deceds Estate Amounting to two hundred and Sixteen pounds five Shillings & Eleven pence which is hereunto Annexed And Desired two Severale Accounts past with the Commissary Amounting to two hundred and twenty pounds three Shillings & Seven pence of the payments & Disbursements made by the Defendants out of the deceds Estate which are hereunto Annexed and Insisted that the Accounts af. were not Sufficient in Law to maintain the Issue on part of the Defendants without producing the Vouchers to prove the Severale payments And thereupon the said Michael Howard Attorney on part of the Defendants for proving the issue on their part gave in Evidence to the Jurors af. to Impanelled and Sworn that the Defts. did pay and Satisfie to the Creditors of the deced the Sum of One hundred & Eighty Eight pounds three Shillings & three pence in Discharge and Satisfaction of debts Due to the Deceds Creditors before the Impetration of the Writ in the said Action To wit the fifth day of April Seventeen hundred & twenty one and Different did pay to the Creditors of the deceds Eleven pounds three Shillings and Eleven pence on the twenty ninth Day of May Seventeen hundred and twenty one in Discharge & Satisfaction of Debts due as af. which said Payments were Specified in two Severale Accounts past with the Commissary the Vouchers of which were produced to the Court. Jury and the said Defts. gave in Evidence to the Jury af. that their Expenses due to them twenty pounds & four pence for their Salary for their Payments af. by them made and that the said Sums in the whole amounts to two hundred and twenty pounds three Shillings and Seven pence Current money af. and prayed that the said payments and Salary might be Allowed to them in discharge of the Inventory af. and prayed the Jury to find for the Defendants And thereupon the said William Cumming produced by the Affidavit of Col. John Smith of Somerset County taken before Wm. Stevens Esqr. that on the fifth day of April Anno Dom. Seventeen hundred & twenty one he gave Notice to the Defendants of the Bill and protest in the Declaration af. Declared for and Demanded payment thereof from them and that they had timely Notice thereof before the passing the Accounts and the plaintiffs Attorney Did further Insist that the af. Damages and Interest in the Decl.