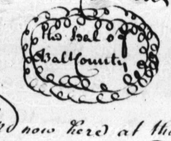
the said Michael in this behalf craftily and subtilly to deceive and defraud the said Nicholas in his
Life time nor the said Eleanor since the Death of the said Nicholas the aff. five thousand pounds of Tob. and
Cargoes or any part thereof to the said Michael have not paid nor has either of them paid the same Wills the
same Nicholas in his Lifetime afterwards (viz) the tenth Day of May Anno Dom. Seventeen hundred
and twenty at Baltimore County aforesaid and within the Jurisdiction aff. And the same Eleanor since the
Death of the same Nicholas viz) the first Day of November Anno Dom. Seventeen hundred twenty at Baltimore
County aff. within the Jurisdiction aff. and often afterwards by the same Michael have been required
But the same Nicholas in his Lifetime and the said Eleanor since the Death of the same Nicholas to the
said Michael altogether have refused And the same Eleanor still does refuse to pay to the said Eleanor
the said Michael say how damnified and has Loss to the value of Ten thousand pounds of Tob. And
therefore he brings Suit &c. pledges &c. Prefs — John Doe Pledges for

And the said Eleanor on the first Tuesday of June Anno Dom. Seventeen hundred and Twenty one Little which
Day the same Eleanor had Liberty to imparle from the first Tuesday in March Anno Dom. Seventeen hundred &
twenty, at Joppa here by John Roberts her Atty. came and Defended the Force & Injury when &c. and prayed
Leave in this Action aforesaid to imparle to the then next County Court to be held at Joppa here on the first
Tuesday of August then next ensuing and had it &c. And the same Day was given to the said Michael
here also &c. At which said first Tuesday of August at Joppa here came as well the said Michael
by his Guardian aforesaid as the said Eleanor in her Capacity aforesaid by her Attorney aforesaid
and by the Court and Consent of Parties the said Action was by Tie Continuances Continued Untill
the then next County Court to be held at Joppa here on the first Tuesday of March then next ensuing,
and now here at this Day (to wit) the first Tuesday of March it being the 5th Day of the same Month
Anno Domini Seventeen hundred and twenty one the aforesaid Michael comes and prays that the aff.
Eleanor in her Capacity aforesaid to his Declaration aff. in the plea aforesaid may Answer And the said
Eleanor Rogers &c. as aforesaid by John Roberts her Attorney comes and Defends the Force and Injury
when &c. for plea saith that the aforesaid Michael Macnemara by his Guardian aforesaid his
Action aforesaid against her the said Eleanor Rogers &c. as aff. to have and maintain ought not
&c. Because this Defendant saith that by Virtue of an Act of Parliament yet in force made in the
Kingdom of England in the years of the Late Queen Anne among other things in the said Contained is that after
the first Day of May in the year of Our Lord One Thousand Seven hundred & Eleven that all Notes
Bills, Bonds &c. given by any person where the Consideration is for money or other Valuable thing
Lost by Gaming or playing at Cards, Dice, Tables, Tennis Bowles or other Games or by Betting or
for Repaying any money knowingly Lent for such Gaming or Betting or Lent at the time & place
of such play to any so gaming or Betting &c. shall be void as in and by the Act of Parliament
Relation being thereto had may at Large appear — And this Defendant further in fact
saith that After the first Days of May one Thousand Seven hundred & Eleven (viz) the tenth
Day of August One Thousand Seven hundred and Seventeen at Baltimore County within the
Jurisdiction of this Court the aforesaid five thousand pounds of Tob. in the plaintiffs
Declaration is by Note from under the hand of the Testator of this Defendant & Bond at Cards
Contrary to the said Act of Parliament. And this she is ready to Aver where for prays
Judgment whether the Plaintiff by his Guardian aforesaid his Action aforesaid to have ought &c.
And the said Michael saith that he by any thing above alleged from having and maintaining
his Action aforesaid Ought not to be barred because he saith that the Plea aforesaid and
the Matter therein Contained are not sufficient in Law to preclude him of his Action or to
compelle him to Answer or Reply thereto, And that the that plea hath no Ground nor by the Law
of the Land is held to make any And this he is ready to verify where for for want of a sufficient
Plea in this part the said Michael prays Judgment for his Damages Occasioned by the premisses &c.

(to)

to him to be adjudged And for Cause of Demurrer thereto according to the Statute thereof the following (viz) that the
Plea aforesaid Doth not Answer the Declaration But pleads to a matter not contained therein without any Warrant to
bring the said Matter regularly to an Issue, That is not mentioned by whom or at what Game the Tob. mentioned in
the Plea was won, That the Act of Parliament pleaded is Inserted and that the said Plea is Vicious, Insufficient and
wants form And the aforesaid Eleanor in her Capacity aforesaid for that the hath above alledged Sufficient matter in
Law to debar the aforesaid Michael from having his Action aforesaid so as aforesaid by his Guardian brought against her
the said Eleanor in her Capacity aforesaid which she is ready to verify which said Matter the aforesaid Michael Doth not
Deny, nor in any Manner answer thereto but Doth altogether refuse to Account of that Government as formerly the prays
Judgment whether the Plaintiff by his Guardian aff. his Action aforesaid to have ought &c. And now (to wit) the Day
year and place last mentioned comes as well the aforesaid Michael by his Guardian aforesaid as the said Eleanor in her
Capacity aforesaid by her Attorney aforesaid whereupon the premisses being seen & by the Justices more fully understood
it seemeth to the said Justices that the Plea aforesaid by the aforesaid Eleanor in her Capacity aforesaid in form
aforesaid pleaded and the Matter therein contained is Sufficient in Law to Preclude him the said Michael of his
said Action or to compelle him to Answer or Reply Therefore it is considered by the Justices that the said Michael
and his pledges of prosecuting be in Mercy &c. And the Names of the said pledges be sought for &c. And that the said
Defendant go thereof without Day - And Also it is considered that the said Eleanor in her Capacity aforesaid
recover against the said Michael the Sum of four hundred & four pounds of Tob. by the Court of the High
Honourable the Lord Proprietary At Joppa here adjudged unto her for her Cost and Charges by her about her
Defence in this behalf Laid out &c. expended according to the form of the Statute (here in force) in that case
made and provided &c.



In Cuorum Veritatem the Seals of Baltimore County aforesaid is hereunto affixed
this thirteenth Day of May Anno Dom. 1725 — John Stokes Clerk Com. Balt.

And now here at this day to wit the 18th day of May Anno Dom. 1725 Comes into his Lordships Court
Court here the said Michael Macnemara by Daniel Dulany his attorney and says that in the Record and
process aff. and rendering the Judgment aff. it is manifestly Erred. In primis it is Erred in that the Court
ever ruled the Demurrer to the defendants plea which plea is apparently vicious in Substance and form.
Its Erred in this that Judgment is rendered against the said Michael whereas by the Law of the Land
Judgment Ought to have been rendered for the said Michael to recover his Damages by Occasion of
the premisses for which and many other Errors in the Record and process and rendering the Judgment
aff. the said Michael prays that Judgment aff. be reversed and held for nought and that to all to whom it
may be referred and that he may have Judgment to recover his Damages aff. and that the Court
here will proceed to examine the record and process aff. And the said Michael Macnemara suggests
to the Court here that since the rendering the Judgment aff. the said Eleanor hath Intermarried with
and taken to husband a certain Lloyd Harris Gentleman. Whereupon the said Lloyd Harris and Eleanor
his wife Executrix as aff. by Joshua George their attorney comes and says that in the record & process
aff. and in rendering the Judgment therein it is nothing Erred and prays that the same Judgment may
in all things be affirmed &c. And thereupon as well the said Michael Macnemara as the said
Lloyd Harris & Eliana his wife Ex as aff. by their attorneys aff. prays that the Court of the Lord Proprietary
here will proceed as well to the Examination of the record and process aff. as of the matters above for
Errors assigned. But for that the Court here are not advised of their Judgment of and upon the premisses
aff. day is given to the said parties to hear their Judgment until next Court for that the said
Court as yet are not &c. At which said next Court to wit the 19th day of October Anno Dom. 1725
Come again the said parties pltff. and defendt. by their attorneys aff. But for that the Court here
as yet are not advised of their Judgment of and upon the premisses aff. day is further given to the said parties

(6)