

245] John May and Judith his wife vespers of
Charles Birney ~~versus~~
Edward Gardner.

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14 Decr

This day came the parties by their attorneys and themselves
and also a jury to sit Henry Gafford Phillip Brereton and
Gardiner Joseph Neeson Daniel Lord Thomas and others
William Taylor John Pearson Benjamin Lewis Thomas Rose
Charles Simmons and Nathaniel Davis who being called
to give their testimony did speak upon this issue
was sent out of court to consider of this verdict and returned
to under the same the plaintiff was feloniously called but did
not appear nor is his suit further prosecuted. Therefore
the motion of the defendant by his Attorney His Honour
that the sume from rendering this verdict agreed to
recharged — that the plaintiff be nonsuited and that
the defendant recover against plaintiff his costs by him
about his defense in this behalf expended.

An Inventory and Appraisement of the estate of Mary
Hindred was returned and ordered to be recited

The judgment of Benjamin Ruffin against David Hunter is
continued till the next court at the motion made of the
defendant.

A Recd Tool from Benjamin Johnson to Richard Johnson was
acknowledged by the said Benjamin and stated to be made
by David Johnson

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John Gillian & William Thorne Doffe Testib

Arthur Washington and Henry Gafford came into court
and condescended for the defendant Gillian that in case the
said defendant shall be cast in this suit he shall pay
satisfie and pay the condemnation of the court or render
bills to Rives in discharge thereof or that they the
said Gillian and Henry will do it for him. And then
the said John Gillian saving to himself all advantage of
exception as well to the action as to the valuation of the
plaintiff prays and has leave further to impanel till the next
court and Jacob Johnson & Nicholas Williams came also into
court and undertook for the said defendant Johnson that
in case the said defendant shall be cast in this suit that
he shall pay the condemnation of the court or render bills