

This Court Considering the Confirmacon thereof from und^r the Liber B B Clarkes hand, Orders a nonsuite with Charges as followeth (uizt)

	^{th tob:}	
Nonsuite according to Act.....	150	}
Attorneys ffees at Caluert Court.....	60	
3 dayes attendance.....	90	
Attorneys ffees upon the appeale } being double Cost.....	120	
5 dayes attendance	300	
		720 ^{th tob:}

Court adjourn'd till the afternoon

All p^rsent as before

Marmaduke Snow p^t: } the defend^t by his Attorneyes Cap^t Josias
 Thomas Gerrard defend^t } ffendall and M^r Tho: Nottley alleadgeth
 that they was not arrested to answe^re in Chancery but to the Prouinciall Co^rt therefore desires Judgm^t of the Board whether they cann proceed to try all in Chancery upon that writt of scire facias which was upon the defend^t serued—put this to the uote—

Collonell Euans that it is a usuall writt according to law in Chancery noe scire facias goeing out in Co^mon law

The Major part of the Board of the same opinion Then Ordered [p. 347] that they answe^re here as in a Court of Equity—

The def^t by his Attorneyes desires the p^t: to proue that power by which he Calls M^r Gerrard to accompt for the said 1000th sterling—and beinge matter of ffact desires a Iury—The Chancello^r being in Chancery Cheife Judge denys that there is any Jury in Chancery—They still urge for a prooffe of the p^t's power the p^t by his Attorney Will^m Caluert Esq[;] saith that his power is sufficiently prou'd by hauing a suite allready Commenced by the same power and his deeds hauing been admitted as good euidence upon Record

The Defend^{ts} Attorneyes alleadgeth that the whole Cause was then absolutely dismiss therefore now tis a new acc^on

put to the uote whether the euidence be good or not

Coff: Euans that though the Suite be dismiss th^e euidence is good against the next Suite—M^r Brook the same, the Chancello^r the same

Whereupon the Defend^t neither by himsef^e nor Attorneyes shewing no further Cause why Execu^on should not be seru'd upon the Estate of M^r Tho: Gerrard for that thowsand pounds sterling sued for by Marmaduke Snow Iudgment of the Board is that Execu^on issue for the said debt

Brandon June the 14th 1664

M^r Gittings I formerly impowred M^r Henry Helyn to implead Rowland Haddway uppon a bill wherein he was Obleiged to pay me