

lending or Contract without specialty, all actions of Assault, menace, battery, wounding & false imprisonm<sup>t</sup> or any of them which shall be sued or brought by any person or persons within this Province att any tyme after the end of that Gen<sup>l</sup> Assembly shall be comēced & sued within the tyme & lymitacoñ hereafter expressed & not after (that is to say) the said actions of the case other then for Slander & the said actions for accompt, & the said actions for trespas debt detinue & replevin for Goods & Chattles, & the said actions of tres-passe quare Clausum fregit within two yeares after the end of that p<sup>r</sup>sent Sessions of Gen<sup>l</sup> Assembly or within two yeares after the cause of such actions & not after &c as by the said Act relacōn being thereunto had may more att large appeare And itt appearing by the said Richard Gardner his own shewing in & by his declaracōn that the debt or duty by the said Richard in & by the said Declaracōn claymed is above Seaven yeares standing, the said Richard Boughton therefore pleadeth the said Act of Assembly in barr of the said p<sup>r</sup>ts action aforesaid, & demands judgem<sup>t</sup> if the said Richard his action aforesaid against him ought to have. Liber N N

And whereupon the said Richard Gardner saith, that he by reason of the Defend<sup>ts</sup> said plea or any thing therein contained of his action aforesaid ought not to be debarred because he saith that he the said Richard Gardner sues as Adm<sup>r</sup> of the said John Weir deceased And that he the said John was a M<sup>r</sup>chant not resident within this Province, but was att the tyme of his the said Richard Boughtons contracting the said debt (which was for Goods & M<sup>r</sup>chandize) & long tyme before & ever after untill the tyme of his death a dweller & Inhabitant in a certaine place called Virginia beyond the Seas whereas he the said John dyed And that he the said Richard Gardner had Admcōn of the Estate of the said John Weir in this Province granted unto him by the Hon<sup>ble</sup> Philip Calvert Esq<sup>r</sup> Judge for probate of Wills & granting of Admcōns the            day of            in the year of our Lord one thousand six hundred Seventy eight wherefore the said Richard Gardner saith that the aforesaid action comēced against the said Richard Boughton in in manner & forme aforesaid is not lymitted by the said Act of Assembly And therefore he prayes judgem<sup>t</sup> &c And the Defend<sup>t</sup> also. And hereupon the p<sup>r</sup>misses being seen & by the Justices here fully understood, itt seemeth to the same Justices here that the said plea of the said Defend<sup>t</sup> in manner & forme aforesaid pleaded & the matters in the same contained are insufficient in Law to debarr the said p<sup>r</sup>t from haveing his action ag<sup>t</sup> the said Defend<sup>t</sup> Therefore itt is granted that the said Richard Gardner Adm<sup>r</sup> as aforesaid recover against the said Richard Boughton the Sumē of ffoure thousand Eighty & six pounds of tobacco debt As also fivē hundred ~~one thousand~~ & Eighty pounds of tobacco costs of suite. And the Defend<sup>t</sup> in mercy &c p. 844