D.D. David Barclay, Dan.l Philips & John Faleonar Ex.rs of John Faleonar late of London Merchant Deceased against Abraham Faleonar Heir of Gilbert Faleonar deceased ... } Maryland ss. Abraham Faleonar of Kent County Planter Son & heir of Gilbert Faleonar late of Kent County Gentl. Deceased otherwise lately called Gilbert Faleonar of Kent County in the Province of Maryland Merchant was

Summoned to Answer unto David Barclay Daniel Philips & John Faleonar Executors of his Testament & last Will of John Faleonar late of London Merchant Deceased of a Plea that he render unto them five hundred Pounds Sterling wch from them he unjustly detains

And Whereupon the same David Daniel & John by Dan.l Dulany their Attorney say that whereas the said Gilbert in his Lifetime the thirty first Day of October in the Eighth Year of the Reign of King George the first late King of Great Britain &c. in Kent County by his Certain Writing Obligatory Granted & Acknowledged him self to be held & firmly bound unto the said John Faleonar the Testator in his Lifetime in the ps five hundred Pounds Good & Lawfull money of Great Britain to be paid unto the said John or to his Certain Attorney Ex.rs Adm.rs or Assigns when thereunto required to the Payment whereof the said Gilbert by the same Writing Obligatory bound him self his heirs Executors Adm.rs yet the said Gilbert in his Lifetime or the said Abraham his heir at Law to the said Gilbert Since the Death of the said Gilbert altho often required the said five hundred Pounds or any Part thereof to the said John the Testator in his Lifetime or to the said David Daniel & John Ex.rs aforesaid or any of them hath not rendered or paid nor hath Any of them Rendered or paid the same but the same to the said John the Testator in his Lifetime or to the said David Dan.l & John & the Ex.rs or any of them to render have hitherto gain sayd & the same to the said David Daniel & John to render the said Abraham still doth Gainsay & refuse to the Damage of the said David Daniel & John three hundred Pounds Ster.g & therefore they bring Suit & did bring here into Court as well the Writing ps which the Debt ps in form ps testifies the Date whereof it is the Day & year ps as the Letters Testamentary whereby it fully Appears &c.

Pledges & John Doe & Richd Roe

And the said Abraham Faleonar Son & heir as ps by Edmund Jennings his Attorney Comes & Defends the Force & Injury when &c. And Prays a hearing of the Writing Obligatory ps. Let it be read unto him he also prays a hearing of the Condition of the same Writing & it is read unto him in these Words (viz.) The Condition of this Obligation is such that if the above bound Gilbert Faleonar his heirs Ex.rs or Adm.rs shall well & truly Pay or Cause to be paid unto the Above Named John Faleonar his Ex.rs Adm.rs or Assigns the full Sum of Five hundred & fifty Pounds of Good & lawfull money of Great Britain on or before the first Day of November which shall be in the year of our Lord one thousand Seven hundred & twenty two with Interest for the same after the rate of five Pounds per Cent per Annum without paid or further Delay then this Obligation to be Void & of none Effect or Else to be remain in full force & Virtue. Which being read & heard the said Abraham Faleonar Son & heir as ps by his Attorney ps Prays leave to Imparle hereunto untill Next Court he hath it & the same Day is given to the ds David Barclay Daniel Philips & John Faleonar Ex.rs as ps also.

At which said Next Court to wit. the 17th Day of May Anno Dom 1737 Come again the ds Parties Plf.ts & Def.ts by their Attorneys ps the ds Def.ts by his said Att.y Prays further leave to Imparle hereunto untill Next Court he hath it & the same Day is given to the Plf.ts also.

At which ds Next Court to wit. the 16th Day of October Anno Dom 1737 Come again the said Parties Plf.ts & Def.ts by their Att.ys ps & the said Def.ts by his ps Att.y Prays further leave to Imparle hereunto untill Next Court & he hath it & the same Day is given to the Plf.ts also.

At which said Next Court to wit. the 16th Day of May Anno Dom 1738 Come again the ds Parties Plf.ts & Def.ts by their Att.ys ps & the ds Def.ts by his ps Att.y Prays further leave to Imparle hereunto untill Next Court & he hath it & the same Day is given to the Plf.ts also.

At which said Next Court to wit. the 17th Day of October Anno Dom 1738 Come again as well the said David Barclay Daniel Philips & John Faleonar Ex.rs as ps by their Attorney ps as the ds Abraham Faleonar son & heir as ps by his Att.y ps. And the said Abraham Faleonar son & heir as ps by his said Att.y ps as before Defends the Force & Injury when &c. And Prays a hearing of the Letters Testamentary in the Declaration ps mentioned And he hath them in these Words following (viz.) Universis Christi Fidelibus ad Quos Presentes Litere Nostre Testimoniales Pervenerint aut eius in Christo Jesu tangunt seu tangere potuerint quomodolibet in futurum Gulielmus Providentia Divina Cantuariensis Archiepus totius Angliæ Primas et Metropolitanus Salutem in Domino Sempiternam ac Fidem indubiam adhibere ad universitatis Vestra notitiam Deducimus ac Deduci volumus per Presentes quod Scrutato Registro Curiæ Nostræ Prerogativæ Canturiensis in Archivis ejusdem bona et fideliter

(Custoditis)

Custoditis comperimus Inventum et invenimus inter alia in eodem quod secundo die Mensis January Anno Dominii Millesimo Septingentesimo vicesimo nono Apud London Coram venerabili viro Edwardo Kinaston Legum Doctore Surrogato venerabilis et egregij viri Johannis Bettesworth Legum Doctoris Curiæ Prerogativæ Cantuariensis Magistri Custodis sive Commissarij legitime constituti Probatum Approbatum et insinuatum fuit Testamentum Johannis Faleonar nuper parochiæ Sancti Martini organ London defuncti habentis Bona vicissim et mortis Sua tempore bona jura sive debita in diversis Diœcesibus sive Jurisdictionibus Sufficientia ad fundandum Jurisdictionem Curiæ nostræ Prerogativæ Cantuariensis Predict per Declarationem sive Affirmationem solemnem veram et sinceram Davidis Barclay et Danielis Philips duorum Executorum in dicto Testamento nominat Quibus Commissa fuit Administratio omnium et Singularum bonorum jurium et debitorum dicti defuncti Declaratione sive Affirmatione Predict juxta Statutum Parliamenti in ea parte Editum et Provisum de bene et fideliter Administrando eadem per dictos Executores prius facta (reservata potestate Similem Commissionem faciendi Johanni Faleonar filio dicti defuncti et Alteri Executori in dicto Testamento nominat cum venerit eadem petitura) Cujus quidem Testamenti tenor verus sequitur in hæc Verbis et est talis (viz.) I John Faleonar of London Merch.t do make & Ordain this my last Will & Testament Written with my own hand in Manner following that is to say First I Give & bequeath unto my well beloved Cousin David Barclay of London Linnen Draper twenty Guineas Item I Give & bequeath unto my kind Friend Daniel Philips Doctor of Physick the like sum of Twenty Guineas Item all the rest & residue of my Estate whatsoever Nature or kind both real & personal as well in Possession as in Reversion remainder or Expectancy (all such Debts as shall be justly owing by me at the time of my Decease to any person or persons whatsoever) also my Legacys & Funeral Charges being first duely paid & satisfied I Give & bequeath unto my four Children John & Rachel Mary & Margaret to be equally Divided among them Share & share alike in Case any of the Children shall Dye before this my last Will shall take Effect my Will is that his her or their Share or part shall go to and Share by Give & bequeath the same unto him her or them that shall survive share & share alike And I do make & declare Constitute & Appoint my Eldest Son John & my Cousin David Barclay & my Friend Daniel Philips both before mentioned to be my full & sole Executors of this my last will & Testament giving unto my said Ex.rs full Power & Authority to Compound or take a part for the whole for any Debt or Debts that shall be owing to me at my Decease by any Person or Persons whatsoever where & when they shall see fit & Necessity so to do the same to be done wholly at the Cost of my Estate & my said Executors not be Accountable for any loss or Damage that may happen or Accrue by such Abatement or Compounding any Debt or part of Debt or Debts to or with any Person or Persons whatsoever And my Will further is and I do hereby Declare that Each one of my Executors shall only be Accountable for his Own transactions & for what money or Effects shall come into his hands & not the one for the Other And Lastly I revoke & make Void all & Singular former Wills by me heretofore made or Pretended to be made Declaring this to be my last Will & Testament In Witness whereof I have hereunto set my hand & Seal this fourteenth Day of August in the Year one thousand Seven hundred & twenty Nine John Faleonar

Signed Sealed Published & Declared by the said John Faleonar the Testator as & for his last Will & Testament on the Day of the Date hereof in the Presence of us who Subscribed our Names thereto in the presence of the said Testator. Jeremiah Thomas Andw Jaffrays. In Quorum Omnium et Singulorum Premissorum Fidem et Testimonium has Literas Nostras Testimoniales fieri Sigillique Curiæ Prerogativæ Cantuariensis Predict Quas in hac parte utimur) Apponi fecimus Communiri et Corroborari fecimus Dat. Londini quarto Scrutinium et Sigillationem Premissorum Vicesimo Sexto Die Mensis February Anno Dominii Millesimo Septingentesimo Tricesimo et Nostræ Translationis Anno Decimo Septimo.

Nathaniel Farrant Registrar
Deputat ad hunc actum

(The great seal of the Prerogative Court of Canterbury appended)

Which being read & heard the said Abraham Prays the Judgment of the Declaration ps because he saith that the said Declaration & matter therein contained are insufficient in Law the Action of the said David Daniel & John Faleonar the Plaintiffs to maintain to which the same Abraham hath no need nor by the Law of the Land is held in any wise to Answer And this he is ready to Verify & where Upon he prays Judgment if the said David Daniel & John Faleonar the Plaintiffs their Action ps against him to have or Maintain Ought &c.

And the said David Barclay Daniel Philips & John Faleonar say that from having their Action ps against him the said Abraham Faleonar the Ought not to be precluded because they say that the Declaration ps & the matter in the same Contained

(are)