

" At a Council holden at Halifax on the 5th May 1777

The Lieutenant-Governor & Council had under consideration the report of the two Magistrates who were sent to the townships of Truro, Onslow and Londonderry to require the Inhabitants to take the Oaths of Allegiance who ^(five persons excepted) had under frivolous pretences refus'd when call'd on to take the said Oaths.

On which it was resolved that all such persons so refusing should be held and deem'd as Popish Recusants, and should be held and deemed as Popish Recusants, and should be proceeded against by due process of Law.

(signed)

Richard Bulkeley "

" Capias drawn and filed with those persons indicted for H. Treason ... to be shewn ^{delivered} to the chief (trustee?)

George the King &c., &c.,

To the Pro. Marshal of the province of Nova Scotia or his Deputy
Greeting: We command you that you take
here insert the names of the indicted persons

...found within your precinct and them safekeep so that you have their bodies before our Trustees, at our Supreme Court, Court of Assize and General Gaol Delivery to be held at Halifax on the first Tuesday of July next to answer to us on Indictments of High Treason found against their persons. Hereof fail not and have you then and there this writ with your proceedings thereon --- Witness -----

To Mr. D. Wood "

"To the Honourable Bryan Finucane Esqr.

Chief Justice of His Majesty's Province of Nova Scotia
and the Honble. his Brethren Justices of the Supreme
Court thereof,

The Petition of John Avery of Halifax Humbly sheweth ---

That your petitioner in the month of March 1779 was (owing to misinformation) charg'd with misdemeanours of a dangerous tendency, and in that account Committed to prison, his Petition to your Honour in time of vacation procured him enlargement by entering into Bail Bonds for two thousand pounds, under condition of good Behaviour, not carrying on any Illicit Trade, to appear when called upon, and not to depart the Province without leave for two years from the date thereof, that in the month of July following (as your Petitioner is well informed) the Solicitor General (after disputes and altercations had taken place between him and your Petitioner) without the knowledge and consent of the King's Attorney, Caused the information against your Petitioner to be laid before the Grand Jury, upon which a Bill of Inditement was found against him to the great prejudice of his character, whereby he has already suffered more than his abilities will enable him to point out, that your Petitioner has awaited with the great Impatience Ever flattering himself that each succeeding Court would cause him to be tried by his Country, that while your petitioner remains unheard his innocence lays concealed, prejudices imbibed from Aspersions unremoved, and the guilt of the Informer unpunished --
Wherefore your Petitioner humbly and earnestly prays by all that is dear to him, that your Honors will take the Premises into consideration so as to grant him a hearing in the most publick manner, and according to truth candidly enquired into, and impartially stated

by his Country, give him such relief from the Calumny and Slander he now labours under as the facts will admit of, and that in the meantime your petitioner may be permitted to receive from the Clerks Office a Copy of the Information and Bill of Inditement against him

And your petitioner as in duty bound will ever pray

(signed) John Avery

Halifax, 12th July 1781. "

*Every made another
appeal, would easily be this,
in October 1782, addressed to
James Berkeley and James Weston
"Judges of the Majesty's Supreme
Court now sitting."*

"The Deposition of Mr. Amos Sheffield of Cornwallis
who being examined and sworn on the Holy Evangelists
Deposeth and Saith -----

That he the Deponent being at Boston in the month of June last (he the Deponent being taken by a rebel privateer and being there detained as a prisoner) and being at the Courthouse in Boston aforesd. when a cause between Mr. Edward Gray of Boston Mercht. and the captors of the Sloop Elizabeth one James Littlefield master, was called, sd. cause was continued and put by on account of sd. Capt. Littlefield's being absent, that some time after sd. Littlefield came to Boston, after which the sd. Edw. Gray and Sd. Captain Littlefield informed and told him the Deponent that they had recovered sd. Sloop in sd. Court at Boston, and both the sd. Edw. Gray and the sd. Littlefield told him the Deponent that the sd. Sloop Elizabeth that was carried or sent into Boston by sd. privateer was the property of sd. Edward Gray and that Mr. John Avery of Halifax was only factor for sd. Edward Gray, and also further deposeth that Capt. James Littlefield told him he had two sets of papers, and that he was in no fear of being taken, and desired the Deponent that he would take passage with him in sd. sloop to Passamaquoddy, which the deponent declined, and the Deponent deposeth that some time in the month of December last, being at a place called Nastiquequas(?) he happened to lodge in the same house with Capt. Stephen Smith who was the Naval Officer at Machias a Rebel Port, and that Stephen Smith told him that he had cleared out Capt. Littlefield in the sloop Elizabeth for the West Indies from the port of Machias, and that the sloop was to return to the sd. Port and land part of his cargo there, on which the Deponent enquired of Stephen Smith what Littlefield had done with the clearances since he had been taken by Captain Mowat of the Albany, to which Stephen Smith replied that Littlefield had been at Machias since he was taken by Capt. Mowat and that he had told Smith that he had destroyed the clearances and papers he had from the port of Machias, and this Deponent deposeth that he had heard divers persons say that Littlefield had got another clearance for sd. sloop at Machias after she was taken by Captain Mowat but does not at present recollect the persons names, but that he heard at the River St. Johns or Passamaquoddy, also that Capt. Littlefield told the Deponent that in his last voyage in sd. sloop he had managed matters so there was not the least fear of his being taken by the Privateers or Kings ships.

(signed) Amos Sheffield

Sworn before me the 25th of
February 1779.

Wm. Nesbitt."

" The Deposition of Jonathan Card, who being duly
examined and sworn on the Holy Evangelists deposeth -

That some time in the month of December in the year of Our Lord One thousand Seven Hundred and Seventy Seven, being in company with James Littlefield master of the sloop Elizabeth, which Littlefield had brought into Cornwallis and was then lying there, and that upon the Deponent asking him concerning his voyage in sd. sloop from the West Indies, and how he made it out to get clear of the rebel privateers,

he the said Littlefield declared publickly in the presence of some other people ~~that~~ in a room in a publick house at Mrs. Montgomerys on the road to Windsor, that he had managed very well, so that in coming from the West Indies in sd. Sloop he had been examined both by a Kings ship and by a privateer and got clear of them both, ~~for~~ that he had a Sufficiency along with him that would clear him from either of them, on which Deponent ~~answred~~ answered he was very fortunate and that it would be worth any man's time to go to sea if they could have such good luck, and upon the Deponent asking him if he had brought a good quantity of milasses from the West Indies he answered he had about 15 or 16 Hds. and that he had touched at Pemequid or thereabouts and had some repairs done on the vessel there and had them paid for with some of his molasses.

(signed) John Card

Sworn before me this

25th February 1779

Wm. Nesbitt."

"The Deposition of John Richie of Annapolis Royal
Mercht. who being duly examined and sworn on the
Holy Evangelists deposeth and saith-----

That some time in the month of September 1777, the Deponent received at Annapolis, where he resides, a packet from Mr. John Avery of Halifax containing the following papers, (requesting him to deliver them to the master of the sloop Experiment Wm. Hanover master, then lying at Annapolis Royal.) Vizt.-- An order drawn by one Mr. Grey of Boston in favour of Captain James Littlefield for five hundred dollars, upon the back of which order sd. Littlefield signed an obligation wherein he acknowledged to have received the sd. sloop for the within sum-- also a bill of sale of sd. sloop from John Avery to Grey, accompanied with a letter from John Avery to Mr. Gray acknowledging the whole transaction as also orders to the master of sd. sloop Experiment in case he should be taken by a Privateer or be obliged to go into a Rebel Port, then and in that case he was to deliver up the papers to Grey and say he was bound to Boston -- And the Deponent further deposes that some time after this, Deponent having ordered a schooner in which the sd. John Avery was concerned, to Passamaquoddy, sd. Schooner being taken by a Rebel Privateer, said John Avery ~~claimed~~ ~~to~~ be very much against sending the schooner there, to which Deponent replied, Why did you order the sloop Elizabeth there a few days before, to which John Avery replied that he wished the schooner was as safe as the sloop Elizabeth, for that the sloop Elizabeth was in the same situation the sloop Experiment was in, when she sailed from Annapolis wharf.

(signed)

John Richie

Sworn before me this

26th February 1779

Wm. Nesbitt."

"The deposition of Amos Sheffield of Cornwallis
Who being duly sworn on the Holy Evangelists
deposeth and saith---

That sometime in the month of May 1776, being then at Windsor where John Avery at that time resided, the said Avery came to Deponent and told him that he brought four American captains out of Halifax in the character of gentlemen, that they might not be discovered, and had procured them four horses, and further the sd. Avery told Deponent, You have a vessel here and if you are any friend to America you will carry these four men to Passamaquoddy, You know that America will carry the day and you are not a friend to your country if you refuse to carry these men to Passamaquoddy, if any of my vessels (said he) was here I would carry them there for nothing, depend upon it, You will not be so well treated ~~say~~ if you refuse a thing of the

kind, for I shall help them all way that I can that is a friend to America.

(signed) Amos Sheffield

Sworn before me this
25th of February 1779
Wm. Nesbitt."

Indictment

Nova Scotia At his Majesty's Supreme Court, Court of Assize and General Gaol
Halifax. Delivery held at Halifax in the County of Halifax and Province
 Aforesaid on the second Tuesday of July in the Nineteenth Year of
~~the Reign of our Sovereign~~ the reign of Our Sovereign Lord King George the Third, and in
 the Year of our Lord One Thousand Seven Hundred and Seventy Nine.

The Jurors for our Lord the King upon their oath present that John Avery of Halifax in the County of Halifax Merchant or Trader being a person of Seditious Malicious and Turbulent Disposition and intending to countenance encourage raise and support Sedition Tumult Rebellion and Commotion among His Majesty's Liege Subjects, and to bring into contempt our said Sovereign Lord the King and his Authority Government and Laws did assist comfort and support divers of His Majesty's subjects being Rebels and in open Rebellion, and in arms, against our Sovereign Lord the King and his Laws and Government, and to destroy and disturb the Public Peace of our said Lord the King and his Liege Subjects, by carrying on trade and commerce and correspondence with the said Rebels in the Rebellious Colonies, with an evil intent to alienate and withdraw his said Majesty's Liege Subjects from their duty affection and allegiance to our Sovereign Lord the King, and not regarding his duty and allegiance to our said Lord the King, but contrary to, and in contempt thereof in the month of May in the year of Our Lord one thousand seven hundred and seventy seven, and also in the month of December in the said year, and also in the month of September in the said year last aforesaid, and at divers other times in the years aforesaid at Halifax aforesaid in the county aforesaid, with force and arms, did falsely, maliciously, seditiously and wickedly hold and carry on a certain secret seditious and unlawful trade and correspondence, to and with divers of His Majesty's said Rebellious Subjects, then in actual and open rebellion and arms against his said Majesty, and did Comfort Aid and Assist said Rebels when taken prisoners and counsel abet and support them in said Rebellion against his said Majesty's Laws and Government to the Evil Example of others and in contempt and against the peace of our said Lord the King his Crown and Dignity, and contrary to the Laws in that case made and provided.

D. Wood Junr. Dep. Clerk of the Crown.

(Inscribed on the back of above) -- Indictment

The King
agst. Misdemeanor
John Avery

A True Bill

Jno. Geo. Pyke, Foreman "

" Halifax January 31, 1777

The Jurors of our Lord The King from Information on oath of James Avery do
Present --

Samuel Archibald
Thomas Archibald
I. Savage
Mathew Taylor Capt. Militia
Lieut. Johnston Do.
Joseph Scott

of Cobequid in the County of Halifax for comforting Aiding and Assisting one
Martingale & Carleton & their Associates, belonging to the Washington & Gates,
Rebel Privateers.

Jno. Geo. Pyke, Foreman."

(Inscribed on back)

Presentment agst.

(names as listed above.)

" To The Honble. Charles Morris and Isaac Deschamps
Esquires, Judges of His Majesty's Supream Court
now setting at Halifax.

The Petition of Thomas Faulkner a prisoner now in irons confin'd in Gaol --
Most Humbly Sheweth,

That your Petitioner was taken prisoner by a Party of His Majesty's
Troops at Fort Laurence on his way from Cobequid to New England, which Journey he
undertook on account of the hardships he suffered in Gaol during the last Summer and in
Consequence of Governor Arbuthnot signifying that any person chusing to depart from
this Province might leave it without molestation, that altho your Honours may have
received Information to the Prejudice of your Petitioner (which he can't think is
possible) yet he can assure your Honours and call God to Witness that he never took up
arms against any of his majesty's subjects, that he was not any ways concerned in
Joining, aiding or assisting the party or Parties which attacked or appeared against
his majesty's Garrison at Cumberland and that he was Eight Miles distance from the
Rebels at the time of their last skirmish with Major Batt and had not been in the County
of Cumberland Forty Eight hours when he was made a Prisoner, all which he has evidence
now in Town to prove, that your petitioner thinks it Exceeding Cruel that he should be
confin'd in irons merely from a Supposition that he is Disaffected to Government when
no Person can prove it, and other Prisoners who confess themselves Guilty meet with
very different Treatment, That your Petitioner cannot attribute his confinement to any
other Cause than a prepossession in opinion arising from a suspicion or misinformation
that he was guilty of the Charge alleg'd for which he was so long confin'd in Gaol and
discharged -- And as your Petitioner is ready and willing to come to Tryal and Stand the
Test of the Strictest Enquiry, he most humbly and earnestly begs your Honours will take
his Case into consideration and if possible Suffer him to be tryed this present Term,
and if this request cannot be granted, he implores your Honours mercy in his behalf so
far as to order his Irons taken off, and such further Indulgence granted as a poor
innocent prisoner destitute of friends and Money deserves, and your your Honours shall
think meet ---

And Your Petitioner as in Duty Bound Shall Ever Pray--

(signed) Thomas Faulkner."

(no date)

" Supreme Court. Hilary Term. A.D. 1777

The King
agst.
Timothy Houghton Esq.

Jury Sworn

Alex Ross fore.	Chamberlin Brooks
Henry Best	John Hosterman
Henry Bauldin	Augustus Denneman
Ephraim Wheaton	Robert King
Richard Young	George Jones
William Petty	Robert Shay

We do say that the said Timothy Houghton is Guilty in manner and form of all he stands indicted.

Recorded this 10th day of February 1777
By Order of the Court.

D. Wood Jun. Deputy Clerk."

(Inscribed on back) ---

The King	Verdict
agt.	
Tim. Houghton	

County of Halifax
Province of Nova Scotia

At His Majesty's Supreme Court, Court of Assize and General Gaol Delivery held at Halifax in the County and Province aforesaid the 27th day of January in the 18th year of His Majesty's reign, A.D. 1778

The Jurors for our Sovereign Lord the King on their Oath present that Samuel Creath late of Cumberland in the County of Cumberland in the Province aforesaid, Yeoman, and John Fulton of said place, Yeoman, and James Crawford of said place, Yeoman, being subjects of our present Most Serene Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King &c., not having the fear of God in their Hearts nor having any regard for their Duty and Allegiance, but being moved and Seduced by the Instigators of the Devil as false Traitors and Rebels against our said present Sovereign Lord the King, their Supreme and True natural Lawful and Undoubted Sovereign Lord, entirely withdrawing that Cordial Love and that True and due Obedience Fidelity and Allegiance which every Subject of our Said Present Sovereign Lord the King should and of right ought to bear towards our said Present Sovereign Lord the King, and also drawing as much as in them lay, Most Wickedly ~~and~~ Treacherously intending to Change and Subvert the rule and government of His Majesty's Province of Nova Scotia, duly and happily established by and under our said Sovereign Lord the King, that on the seventh of July last in the year of Our Lord One Thousand Seven Hundred and Seventy Seven, or on some one of the days of the said Month at a place called Opaque at the River St. Johns in the Province aforesaid, with a great number of traitors and Rebels against our Sovereign Lord the King, to wit to the number of Fifty whose names are unknown to the Jurors, being armed in a warlike and hostile manner with Guns Swords Pistols Pikes and Clubbs and other weapons offensive and defensive, did Falsely and Traitorously assemble and form themselves against our said Sovereign Lord the King in execution of their Traitorous Wicked Intentions and purposes aforesaid, with such arms

did falsely and traitorously prepare order ~~###~~ wage and levy War against our said Sovereign Lord the King to the Great Terror and Dread of His Majesty's Faithfull Subjects in said Province, Committing several outrages and ravages amongst and against His Majesty's Faithfull Subjects untill dispersed by His Majesty's troops, all which is against the Duty of their Allegiance and against the Peace of Our Said Lord the King his Crown and Dignity, and against the Form of the Statute in that case made and provided, and against the Laws of this Province.

Jno. Geo. Pike Esq.
Jno. Macdonald Ensign

D. Wood Junr. D. Clerk
Crown.

Sgt. Hambly
John O'Bryan of the Loyal N.S. Volunteers
Patk. Bohan
Michl. Shirley

" The Deposition of Jno. Geo. Pyke

Who deposeth and saith That on the Seventh Day of July last he was with a detachment of Kings Troops and Militia under the command of Major Studholm at a place call'd Opaque on the River St. Johns That about five o'clock in the morning a party of forty men under the command of Leut. Clinch of the Fencibles and Ensign Macdonald of the Young Royal Highlanders, which had been sent off the night before in pursuit of some rebels returned and bro't with them three prisoners Viz. John Fulton, James Crawford and Samuel Creath, who was wounded in the left side with a bayonet. That the above prisoners told this deponent that they belonged to Cumberland, that when they were taken they were going to John Allan to get some money, he having hired them at Matchias at forty Shillings per month and that when they got their money they intended to make the best of their way to Cumberland and leave him.

(signed) Jno. Geo. Pyke

Sworn before me
February 3, 1778
Wm. Smith"

" The Deposition of Ensign John MacDonald of the Young Royal Highlanders, taken this 2nd day of February 1778.

This Deponent declares that being with a detachment of said Regiment of Young Royal Highlanders about ninety miles up St. Johns River in the Bay of Fundy, at a place called Opack, sometime in July last, when the commanding officer Major Studholm was informed of a party of Rebels being about ten miles further up the said River, On which Major Studholm ordered Lieut. Clinch and this Deponent with a party of forty men to go in quest of them, and if possible surround them in the night, On which service this Deponent & said party went, And about break of day this Deponent was informed that three men were seen running ~~###~~ out of a house there without cloaths except britches, shirts and their blankets which they were drawing after them, One of which three persons escaped to the Woods, but two of them were caught named James Crawford and Samuel Creath and another was afterwards taken under a bed in the said house named John Fulton, One of which three persons was wounded with a bayonet by one of said party when he was making his escape over a fence, In which house was found some fire Arms Powder & Ball and many Rebell newspapers, which house was afterwards sett on fire by said party, and from the explosion and violence of the flames it was generally believed a quantity of Gun Powder was secreted there -- This Deponent also says, that said three persons were lately inhabitants of

Cumberland in this province, ^{and} said John Fulton informed him, from whence they were going to fetch their families, said John Fulton also told this Deponent that the boat the said party took on said River, in which was some quantity of two lb. shott, was the boat that ferried over the river, said Fulton and a party of Rebels the night before, And further saith not.

(signed) John M'Donald
Ensign Y.H."

" At a Supreme Court, Court of Assize and General Gaol Delivery held at Halifax in the County and Province aforesd. the 27th day of Jany. 1778

The Jurors for our Sovereign Lord the King on their oath present that William Elvil and William Crow late of St. Johns River or Passamaquoddy and Robert Wilson late of sd. place or places in the Province aforesd., yeomen, being subjects of our present most Serene Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King, and not having the fear of God in their Hearts, nor having any regard for their Duty and Allegiance but being moved and seduced by the Instigators of the Devil as false traitors and Rebels against our present Sovereign Lord the King their supreme true natural lawful and undoubted Sovereign, entirely withdrawing that cordial love and true and due obedience fidelity and allegiance which every Subject of our present Sovereign Lord the King should and of right ought to bear towards our present Sovereign Lord the King and also devising as much as in them lay most wickedly and traitorously intending to change and subvert the rule and government of His Majesty's Province of Nova Scotia duly and happily established by and under our said Sovereign Lord the King, that in the months of November and December and on several of the days of sd. months in the year of Our Lord One thousand Seven Hundred and Seventy Six at and in the Township, of Cumberland in the province aforesd. with a great number of traitors and rebels against our Sovereign Lord the King to wit to the number of three hundred persons whose names are at present unknown to the Jurors, being armed in a warlike and hostile manner with drums beating and with guns swords pistols pikes clubs and other weapons offensive and defensive, falsely and traitorously assembled and form themselves against our present Sovereign Lord the King in execution of their treacherous wicked intentions and purposes aforesd. and with force and arms did treacherously prepare order wage and levy a Publick and Cruel War against our Lord the King to the Great Terror and Dread of His Majesty's faithful subjects and attacking His Majesty's Troops until dispersed by His Majesty's troops, all which is against the Duty of their Allegiance and against the Peace of Our Lord the King his Crown and Dignity, & against the form of the statute in that case made and provided, and against the laws of this Province ---

(signed) D. Wood Jun. D. Clerk
Crown.

(On the back is written)----
INDICTMENT

The King

agt.

Willm. Elvil

Wm. Crow

Robert Wilson

High Treason

We are ignorant of the truth of this Bill

Jno. Cunningham

Foreman. "

" The Deposition of John Jeffries, Surgeon to the
General Hospital at Halifax --- who being sworn
on the Holy Evangelists deposeeth and saith -----

That some time in the month of November last being in conversation with
one Malachi Salter of Halifax Esq. who at that time he was a stranger to, and talking
of the present troubles in America . said Salter then declared he thought the Americans
were much in the right of it to make the stand they did, and on this Deponent saying
they were in open rebellion and could not be vindicated, the said Salter then warmly
said and declared it was no rebellion, and was surprised that he the Deponent who was
a New England man, or their countrymen, should call them Rebels, and further said he
wondered very much why the Deponent should quit or leave them for he was certain they
would make a much better provision for him there than he had at Halifax and was
convinced they would use him well, and all this he repeated more than once with great
vehemence and concluded with saying he was always of the side of the Americans in their
conduct until they declared their Independence and then he quit or left them.

(signed)

John Jeffries

Sworn before me this
16th December 1776

Richd. Bulkeley

Jus. Pee."

(signed) J. Swanton His Atty.

Placed of Prosecuting

John Pee
Richd. Pee

The above document is endorsed:-

John Jeffries

Exhibit 1776

Deponent's & Bulkeley

Genl. Take notice that unless you appear & plead to the
within Decr. in eight days from this date judgment will be
entered against you by default.

Filed 1st April 1777

R. Wood Junr. D. Ck.

Continued to next Trinity.

Copies

George the 3d. by the Grace of God, of Great Britain, France and Ireland, King,
Governor of the said, and
In the Court of Admiralty of His Majesty, London.

(From old law cases filed in Public Archives of Nova Scotia)

Declaration

Supreme Court Easter Term 1777.

Moses Delesdernier and Richard John Uniacke of Cumberland in the County of Cumberland, Gentlemen, were summoned to answer to John Avery of Windsor in the County of Halifax Merchant for a plea of covenant broken, whereupon the sd. John Avery by James Brenton his attorney complains -- That whereas the sd. Moses Delesdernier and Richard John Uniacke at Cumberland & at Halifax on the fifth day October 1776 by their certain deed or instrument of covenant and agreement sealed with their own seals, and for an in the consideration of the sum of Thirty Seven pounds Ten shillings to them in hand paid by the said John Avery did among other things -- " Agree and jointly and severally engage to pay to John Avery the sum of Ten pounds in lieu of certain expenses Avery had been at in land for hoops and did also thereby covenant & agree to deliver John Avery or his order from Sixteen to Twenty Thousand good and sufficient hogshead hoops from 12 to 14 feet long which hoops the sd. Avery was to send for and take delivery of sometime before the 20th day of November then next and did further agree to pay to John Avery or his assigns at the rate of Four pounds per thousand for every thousand that shall be deficient between Sixteen and Twenty Thousand and that John Avery should have notice before he engaged a vessel for the purpose, and that the sd. Moses and Richard would on demand refund back to John Avery the sum of Thirty Seven pounds Ten shillings -- to the performance of which in Articles of Agreement the parties bound them each to the other in the penal sum of Fifty Pounds. And John Avery in fact saith that notwithstanding he hath done and performed all and every thing covenanted to be done and performed on his part yet the sd. Moses and Richard have not performed the covenant and agreements aforesd. but have failed and neglected to deliver the said hoops or any part thereof as above agreed to be delivered neither have they refunded the Thirty Seven pounds Ten shillings though often requested thereto -- all which is to pltf. damage Sixty pounds and therefore he brings suit.

(signed) J. Brenton his Atty.

Pledges of Prosecuting
John Doe
Richd. Roe

The above document is endorsed:--

John Avery
agt.
Delesdernier & Uniacke

Easter 1777

Gent. take notice that unless you appear & plead to the within Decn. in eight days from this date Judgement will be entered against you by default.

filed 1st April 1777
D. Wood Junr. D. Clk.

Continued to next Trinity.

Capias

George the 3d. by the Grace of God, of Great Britain, France and Ireland, King,
Defender of the Faith, &c.

To the Provost Marshal or his Deputy, Greeting,

We command you, that you take Moses Delesdernier Esq. and John Richard Uniacke trader or Yeoman, both of Cumberland in the County of Cumberland, If they may be found in your Precinct, and safely keep them so that they may be had before our Justices of our Supreme Court, next to be held at Halifax, on the first Tuesday of April next, then and there to answer suit of John Avery in a plea of Covenant Broken, as by Decn. to be filed may appear

to the damage of the said John Avery, as he says the sum of Sixty pounds.

Hereof fail not, and have you then there this Writ with your doings thereon, according to Law, upon the First Tuesday of April next.

Witness Charles Morris Esq; this twelfth day of February in the 17th Year of our Reign. Annoque Domini 1777

(signed) D. Wood Jun. D. Clerk.

J. Brenton, Atty.

Issued 18th of March 1777.

The above capias is endorsed on the back:--

" Halifax March 18th 1777

By oath for Fifty pounds as in affidavit

Chas. Morris Chf. Just. "

The Provost's deputy endorses it thus:--

"Took the defendant Richard Uniacke into custody March 18th 1777.

The defendant Moses Delesdernier not to be found.

Bail given by Richard Uniacke.

(signed) John Fenton. "

AFFIDAVIT

" John Avery of Windsor in the Province of Nova Scotia trader maketh oath that Richard John Uniacke late of Cumberland Gentleman and Moses Delesdernier late of the same place Esq., in the Province aforesd. are indebted to him this deponent in the Sum of Fifty Pounds currency by an obligation or agreement bearing date the fifth day of October 1776 for the performance of certain articles therein mentioned which they the said Uniacke and Delesdernier have not performed/

(signed) John Avery

Sworn the 6th March 1777

before me

J. Deschamps.

we command you, that you take these Deceased's wife, and John Richard Unick's brother
 or brother, both of Cumberland in the County of Cumberland,
 if they may be found in your Precinct, and safely keep them so that they may be had
 before our next one of our Supreme Court, next to be held at Halifax, on the first
 Tuesday of April next, then and there to answer suit of
 John Avery in a plea of Government broken, as by Deed, to be filed may appear

to the damage of the said John Avery, as he says the sum of Sixty pounds.
 Heretofore said, and have you then there this writ with your design
 thereon, according to law, upon the first Tuesday of April next.
 Witness Charles Morris Esq; this twelfth
 day of February in the fifth year of our reign. Amosque Domini 1777

(signed) H. Wood Jun. B. Clerk.
 Issued 18th of March 1777.

L. Granton, Esq.

The above copies is endorsed on the back:--

" Halifax March 18th 1777

By oath for fifty pounds as in affidavit

Charles Morris. Mr. Just."

The Proctor's deputy endorses it thus:--

"Took the deponent Richard Unick into custody March 18th 1777.
The deponent Moses Deceased's wife not to be found.
 Bail given by Richard Unick.
 (signed) John Granton."

AFFIDAVIT

" John Avery of Windsor in the Province of Nova Scotia trader maketh oath
 that Richard John Unick late of Cumberland Gentleman and Moses Deceased's wife
 of the same place Esq., in the Province aforesaid, are indebted to him the deponent
 in the sum of fifty pounds currency by an obligation or agreement bearing date the
 fifth day of October 1776 for the performance of certain articles therein mentioned
 which that the said Unick and Deceased have not performed

(signed) John Avery

Sworn the 6th March 1777
 before me
 L. Deschamps.
