

might accordingly haue provided themselves against the tryall with proper & materiall Wittnesses to each point, & might have putt in & filed such plea or pleas to the said particulars or any of them as the said Defend^{ts} should have though fitt & proper, they but being Ex^{rs} as aforesaid, but for want of fileing in Court the said accompt or particuler to which the said Declaracōn doth referr as aforesaid, & which in realty is the most essentiall part of the said declaracōn, the Defend^{ts} aforesaid can in no wise full & cleere answer make to the said Declaracōn. All which the said Defend^{ts} are ready to averr, & crave judgem^t & their costs by reason of the p^rmisses to be adjudged unto them. Liber N N

And the said Samuell Lane by George Parker his Attorney saith, that he by any thing before alleadged ought not to be debarred from haueing his action aforesaid, because he saith that the declaracōn against them the said George & Richard & the matter therein contained are sufficient in Lawe to maintaine the aforesaid action of the aforesaid Samuel Lane against the said George & Richard, & that the particulars mencōned in the Declaracōn amounting to the Sumē of Eight thousand nine hundred & forty pounds of tobacco is ready here in Court to be produced according to the Law & Custome of the land in such cases &c And this he is ready to averr, whereupon he prayeth judgm^t & the Value of the aforesaid Medicines visitts attendance & his damage by reason of the p^rmisses to him to be adjudged. p. 903

And the said George & Richard say as formerly, that the said p^{ts} said Declaracōn in manner & forme aforesaid is insufficient in Law for these Defend^{ts} to answer unto because the said accompt which is the most Essentiall part of the declaracōn, & without which itt is not possible for these Defend^{ts} (being but Ex^{rs}) to know what defence to make, is not annexed to the said declaracōn, & filed in due course of Law And therefore crave judgement of the p^rmisses &c And the p^t also Which being read & heard And by the Justices here fully understood, itt seemeth to the same Justices, that the Declaracōn aforesaid is insufficient in Law for the said Defend^{ts} to Answer unto, for that the particulers or accompt is not annexed to the said p^{ts} Declaracōn Therefore itt is considered that the said Samuel Lane take nothing by his writt but be in mercy for his false plaint thereupon prosecuted And that the said George & Richard goe thereof without day And also that the said George Lingam and Richard Marsham Ex^{rs} as aforesaid recover against the said Samuell Lane the Sumē of Seven hundred thirty three pounds of tobacco for their costs & charges by them about their defence in this behalfe laid out & expended And the said Def^{ts} may have thereof Execucōn &c

Tho: Bland	}	}
ag ^t		
Edw ^d Dorsey		