

said Daniel and Elizabeth Say that the same is not Sufficient in Law for the said Attorney Gen^l the Action af^d against them to have or maintain and that they to the residue of that Plea have no need nor by the Law of the Land are held to Answer. And this they are ready to Verifie And therefore for want of a Sufficient plea in this part they pray Judgm^t that the said Attorney Gen^l from having and maintaining the Action af^d against them be precluded etc.

And the said Attorney Gen^l of the said L^d Proprietor for the said Lord the King for that he hath above Alledged [559] Sufficient matter in Law in the Replecation af^d to have and maintaine the Action af^d which he is ready to verifie which matter the said Daniel and Elizabeth Ex^{rx} as af^d have not gainsay'd nor thereunto any wise Answered but the same Averment to Admit do Altogether refuse the same Attorney Gen^l as before prays Judgment for the Debt af^d and the Damages by Occasion of Detaining the same Debt to the said Lord the King to be Adjudged etc.

Whereupon all and Singular the Premisses being by the Court here seen heard and fully understood and mature Deliberation being thereupon had for that it seems to the Court here that the Replecation af^d by the af^d Attorney Gen^l for the Lord Proprietor who for his Majesty prosecuteth above in replying pleaded is good as to the first breach Assigned therein which the Court Adjudges to be within the Bond And that the Demurrer by the af^d Daniel and Elizabeth Ex^{rx} as af^d above in barr pleaded is good as to the other breach assigned in the Replecation af^d which the Court here Adjudges to be without the bond And for that it further seems to the Court here that the Residue of the plea af^d by Replication above pleaded is not Sufficient in Law for the said Attorney Gen^l the Action af^d against them the said Daniel and Elizabeth Ex^{rx} as af^d to have or maintain.

Therefore it is Considered by the Justices here the 10th day of April Anno Domi 1722 af^d That the said Thomas Bordley Esq^r his Lordships Attorney Gen^l who for his Majesty in this Behalf prosecuteth take nothing by the Writt af^d And that the said Daniel and Elizabeth Ex^{rx} as af^d go thereof without Day.

And also it is Considered by the Justices here that the said Daniel and Elizabeth Ex^{rx} as af^d recover against Philemon Lloyd Esq^r (at whose request this Action was brought) the sum of Nine hundred and Ninety Seven pounds of Tobacco by the Court here Adjudged unto them for their Costs and Charges by them the said Daniel and Elizabeth Ex^{rx} as af^d about their Defence in this [560] Behalf laid out and Expended According to the form of the Statute in that Case made and provided.

Afterwards to Wit in the same Court or Term the af^d Philemon Lloyd Esq^r by Thomas Bordley his Att^{ny} pray an Appeale from the Judgment of this Court so as af^d rendred to the high Court of Appeales which is granted upon giving Security for the due prosecution thereof according to Law.

Thereupon afterwards in the same Court or Term Thomas Bordley