

For which reasons a forced the Defendant cannot nor by the Law of the Land is he bound to Answer nor this Court give Judgment whereupon the said Defendant as formerly prayed Judgment and that the said Writ Abate W^m Hamley vs Defendant

Wilmore ad North } Reasons brought ag: a *Sci facias* Answer
1st Rea: A writ of *Sci fa*: is a judicial Writ &c: and that all writs plaints &c: ought to carry and bear the true markes of what they are and they hath no other than of a *Moan* Writ

Answer There is no instance given whereby the Court may Judge the difference of, a judicial Writ and *Moan* Writ. And in this *Sci facias* Commandis given to the Sheriff to sum: the party to show cause if any &c: why Execution &c: which words do carry and bear the true markes of a *Sci fa* as in the Answer to the second reason will appere

2nd Rea: A writ of *Sci fa* ought to contain in it absolute matter of substance and command &c:

Answer The Writ saith for 444 Gob: Clerk's fees which is sufficient matter of substance being founded on the Records of the County to give the definition and reason of the Name of the Writ it cometh from the words *facio* to make and *Sci* to know *Viri Sci facias* in which words are contained a command to the Officer to make knowne but the writ saith sum which is quarrelled out, as if it was possible for the Sheriff actually to sum a person and the land person not know it therefore in both those respects the Writ is valid and the reason offered man and sophisticall

3rd Rea: The Writ saith 444 Gobard Clerk's fees which is void by uncertainty &c:
Answer An account exhibited to the party and heard in Court produced I conceive to be sufficient certainty and that the Court will see determine being as before writen founded on the Record which cannot be.

4th Rea: Every *Sci fa*: for Clerk's fees or other Minister of the Court shoult to be a Declaration filed &c:

Answer The account here in Court produced is a sufficient Declaration &c: what more is insisted in the reason but an imposition on the Court

5th Rea: This *Sci fa* is Notorious bad by reason the said William North is command to appere but doth not express where or in what place &c:

Answer Upon the adjournment of every Court Proclamation is made by the Court where the next Court is to be held and was sufficiently knowne to the party or why did he appere to the Writ. this reason might have presented his condemnation if no appearance, but having appeared they sit not to Abate the Writ.

6th Rea: The *Sci fa*: is bad, because there is not an Attorney to the Writ to warrant the same &c: