

Answer to the Court Opinion upon m: ^{Monday} his Motion last Court that all writs might be warranted by an Attorney may do program enough to Answer the 6th reason

7th reason: The writ is notoriously by reason it is signed by Simon Wilmer who is both Clerk and plain: &c: but the Clerk for his part must have his writ signed by the Chief Justice of the Court &c:

Answer I promise upon an Execution the Chief Justice ought to send the writ for such Officers &c: but this is a fine: a: to send ~~to~~ the party before the Justice who are in such a Judge, and therein to mislead his maxim in Law: for Simon Wilmer is neither Agent nor party the Sheriff of the County being therein Agent of the party second Party and the Justice before whom the Matter is brought and to hear and determine and in all this Simon Wilmer but in his private Capacity apply the Law hath made provision in all Attorneys brought either for or against the Sheriff, and in such writs a Comend is the appointed officer where the Sheriff must be either Agent or patient but no person authorized to issue out writs but the Clerk of the County who neither can give nor determine by all which it appears the reason about to be of no value = by but referred to a wrong bond and in this case not applicable

8th reason: The writ is bad in the return being directed to the Sheriff &c:
It hath been the continued practice of this Court to suffer under Sheriff being sworn to such, to make returns of all manner of process - &c: Therefore by the practice of this Court the writ is fully perfected in that part

9th reason: The writ is faulty because the Wife is not named in the writ as well as the husband &c:

Answer That whereas the Wife contracts any debt the husband shall be answerable and moreover the said William Northall the King of his Wife's husband made himself answerable by vindingering his said Wife in his offence notwithstanding she was found guilty by the verdict of good men to the scandal of Christian Religion and against the good Laws of this Province in such case made and provided, And if such persons ~~shall be exempt~~ shall be exempt from punishment, both in body and purse, there will be a regard made, of either Law or Religion

10th reason: The Sheriff &c:

Answer That this last reason with all the rest are Sophistical and contrary to the practice of this Court and therefore pray he may have Judgment for Execution according to the Honor of his said Court

Simon Wilmer Pet