

first Articles of his reasons it said to be John Wade alias ditus  
John Wade of Kent County consequently within the Jurisdiction  
of this Court but as long as the Act and Order are agreeable  
to the Writ and that it contains certainty and verity for that  
is the foundation of the suit wherunto the defendt must answer  
and wherupon the Court is to give their Judgment: and therefore  
pro found no cause of error Cook Inst fol: 303

4<sup>thly</sup>  
The Defondt declares that the Mediators and other mediators  
were not colivored at the Especial Instance and request of him  
the said Wade but were brought to the house of the aforesd<sup>d</sup>  
Wade without the privacy or consent which frames very  
improbable that the pett should be soe black of impleynt  
or that his means should be of soe small a value as to destroy  
his owne interest and further run him selfe under the lash of  
forribe Entry 5<sup>th</sup> of Rich: 2<sup>o</sup>: Cap 7 Cook Inst folio 257<sup>th</sup>  
in the same Articles he farther questions whether he be qualified  
of Administring Meanes which he saies to the Defondt to ex-  
amine but certaine Lawe he hath practised for many years  
farit usur promittus and custome & a Law Cook Inst fo: 110

5<sup>thly</sup>  
The Defondt declares that the pett brought his Action upon Indubita-  
tus Assumpsit which is an<sup>o</sup> made up what fairer way than there  
be for an Act: than D<sup>r</sup>: and C<sup>r</sup>: for the Act: is the sic & Hans Hob:  
55 Inyal & pair fol 142

6<sup>thly</sup>  
The Defondt declares that the pett never demanded the debt  
that is sufficientlly proved for the Writ is a demand Cook Inst  
291 It is demanded and not onely soe but was proved and an-  
swere to our Act of Assembly went to the house of the Defondt  
demanded a foise debt that for I hope your Honorship will  
be advised by the learned sagacious Lawe my Lord Cook &  
several other learned Authors and recorded at King Edw:  
the third and Queens Elir that provided that without any  
excuse of any impleffion defect or want of forme in  
any Writ returne plaint or declaratione nor found the aforesd<sup>d</sup>  
said Judgment: Cook Inst folio 364

Janor 17 173