

William Homfley }  
 at }  
 Rematus Smith Defd }  
 Next ff. Rematus Smith of said County  
 Taylor stands attached to Answer unto  
 William Homfley one of the Attornies of this Court according  
 to the Liberties and Priviledges accustomed of a plea of *respondeo*  
 upon the case

And whereupon the said William in his proper person complaining  
 and saith that whereas the said Rematus on the 20<sup>th</sup> Day of  
 November Anno Dom 1696 in sd County within the Jurisdiction of  
 this Court stood justly indebted to the said William in the full and  
 just sum of fiftie hundred poundes of Tobaccoe Account  
 the particulars thereof are now in Court brought in consideration  
 hereof the said Rematus upon himself assumed and to the said William  
 faithfully promised that to the said Rematus the said sum of 1500<sup>00</sup> of  
 Tobaccoe when the same required would well and truly pay *Yett* Now  
 the last the said Rematus the said sum of 1500<sup>00</sup> of Tobaccoe according  
 to his promise and Assumption aforesd unto the said William he hath  
 not paid altho of the demanded but the sum to pay his health and  
 and refused to the damage of the said W<sup>m</sup> three thousand poundes of  
 Tobaccoe and thereupon he brings this suit

*In Persona peger* vs: *Mr. Doe*  
*De Roe*

Smith  
 ad }  
 Homfley } Oyer of the writ Marking Defond:

And the Defendant Demurs in said Marking  
 the Pet<sup>r</sup> saith the Declaracion is good and prayes Judgment

Homfley ff to  
 Which Demurrer being Argued the Court give Judgment that the  
 said Demurrer is good in Law whereupon the said Defond moves  
 for a Non suit which is accordingly granted

Therefore it is considered by this Court that the Defond: ~~Rematus~~  
 Smith Doe recover from the pet<sup>r</sup> William Homfley as well the sum  
 of fiftie poundes of Tobaccoe as also the sum of 1500 hundred  
 thirty and nine poundes of Tobaccoe cost of suit

Robert Jansnigh pet - }  
 at }  
 Richard Wallis Defond }  
 Simon Wilmerth *clerk*  
 Responds upon the case of front  
 mich<sup>r</sup> of Court