And ye said Deft appeared by Michael Earle his atty and prayed leave to imparle unto ye next Court wch was Granted him ye same Day was Given ye plaintiff to appear at ye next Court being ye 27th Day of March anno Dni 1701 when comes ye sd parties and ye sd Deft by ye aforesd Counsel and Defends ye force & Injury & ye and saieth as follows in answer to ye Dcte

The Deft Pond. Richard Jagoe reason in Deni.

And ye said Deft by Michael Earle his atty comes & Defends ye force & Injury & and saith for ye manifold uncertainties and Insufficiencies in ye plaintiffs Dcte and ye matter therein Contained he ye sd Deft is not bound nor by ye law of the Land is he obliged to answer thereunto wch he ye sd Deft is ready to aver therefore forasmuch as a good Dcte of Claim ye said plaintiff sufficient matter therein Contained he ye sd Deft prays Judgt &c

First reason.

The plaintiff in ye titular part of her Dcte saith ye Richard Jagoe otherwise called Richard Jagoe of Kent County in ye Province of Maryland Planter was attached to answer &c is incoherent and preposterous, and not ye formable method of Declaring

Second reason

The plaintiff alledgeth ye sd Deft was attached to answer &c whereas ye rule of Declaring in all actions under Land & Seale is to allege and set forth ye Deft or Deftts was summoned to answr unto the plaintiff or plaintiffs of a plea of the he or they rend. &c

third reason

The plaintiff in sd Dcte sets forth ye sd Deft by his certain writing und. rend his hand and Seale and here in Court brought he granted himselfe to pay &c but not alledge ye sd same writing was obligatory or ye is was sealed & delivered &c ye want of which makes it of noe force nor vertue ye being the essential act ye gives life and vigor to all instrumts und. hand and Seale. The omission of which rend. ye Dcte as lame and imperfect as ye want of sealing & delivering doth ye obligation.

fourth reason

The plaintiff in sd Dcte stiles herselfe widdow & relict &c in ye Indentive part of her Dcte but afterwards comes on and saieth ye in her aforesd Capacities she complaines &c but which of ye three ye Deft knoweth not, nor upon which she could have ye Claimed Judgt to be found or whether she would have Judgt for every of ye three Capacities which is an unreasonable method of Declaring &c

fifth reason

The plaintiff in ye Conclusive pt of her Dcte saith she ye worse is & Damage hath to ye value of 800 or 900 whereas ye Damage only redounds to ye loy Estate in her hands and he ought to have been alledged, an &c being only altrusty in ye Law &c for which reasons ye sd Deft prays Judgt as aforesd

Which Dcte plea and Demurrer being by ye Court heard and fully understood with many other pleadings and allegations on both sides, It is by ye Court considered ye ye said plaintiff his Dcte aforesd stands good, and ye he ye sd have Judgt against ye sd Deft for &c

Therefore It is considered here by ye Justices this 27th Day of March anno Dni 1701 ye sd plaintiff recover against ye sd Deft as well ye Summ of four thousand pounds of tobacco Judgt adjudged as aforesd as ye Summ of pounds of tobacco cost of Suit and ye Deft in mercy &c

And the said Deft prays ye sd Judgt may be a stay of Execution until after ye 10th Day of October next and Granted unto him &c

Earle