

March Court. 1717

fore which Jury being duly elected by and sworn and having heard the pleadings, Evidence, and allegations on both Sides do depart from the bar and after some time do again return and being called over as also the p^lt & D^ef^t who do all appear and the Jury being asked whether they are agreed on a verdict or not do say they are agreed as a verdict and bond. Demanded whether they find for the p^lt or D^ef^t do say they find for the p^lt and damages as above declared only what is left to the Court upon Demurrer in Law. and by John Wilson Hereforeman all so say.

The same cause is continued until next Court to argue the Demurrer. At which said next Court viz. The twentieth day of August the same Year last mentioned the said Cause was continued until the then next Court in Course.

At which said next Court viz. the Nineteenth day of November the same Year last mentioned the same Cause was continued until the then next Court in Course.

At which said next Court viz. the Eighteenth day of March the same Year last mentioned the same Cause standing for arguing the Demurrer came the ap^p p^lt by his ap^p atty and the D^ef^t by his said atty and the Demurrer as followeth viz. And now at this day the said p^lt & D^ef^t by their attys did appear to the Jury likewise did appear & were sworn upon which James Earle of Council for the p^lt gave in Evidence two notes one for five Shillings drawn by John Spenser on y^e D^ef^t and the other for Eleven Shillings drawn by Christopher Bateman on Christopher Bateman and did require the Jurors find for the p^lt upon which Thomas Bourne of Council with the D^ef^t saith that y^e Evidence and Allegations a^s alleged were not sufficient in Law to maintain the same s^ored for the p^lt to which the D^ef^t saith not nor by the Law of the Land is not holden to give any answer wherefore for default of sufficient Evidence in this behalfe the D^ef^t demands Judgment of y^e Jurors as of giving their verdict be discharged &c. And that the p^lt be barred from having a verdict &c. *Not the D^ef^t*

And the ap^p Plaintiff Plein by James Earle his atty saith that sufficient matter to y^e Jury as is known and given neither is there any materiall allegation given or verified by him the ap^p D^ef^t to discharge the said Jury and this he is ready to verify wherefore pray Judgment. if the ap^p p^lt from his Oath as may not be precluded and that the Jury as upon the verdict as may be discharged &c. *Earle of p^lt*

and the ap^p Demurrer and rejoinder being read and heard and by the attys on both Sides argued and mature deliberation being by the Court thereupon taken do adjudge the Demurrer as to be good and sufficient in Law to bar the p^lt from the ap^p Sum of five Shillings and Eleven Shillings which in the whole amounts to sixteen Shillings Current money as ap^p part of what is declared for and the remaining part being but one pound six Shillings & eight