

necessary dyet and apparel was used and accustomed and for the money in the declaration by the said John to the said William mentioned to be promised to be used and applyd for the purpose and purchasing for him the said William necessary Clothing and apparel he the said William did promise and assume to the said John in such manner and form as the said John above in declaring against him hath complained and this he is ready to verify whereupon he prays Judgment if the said John from having and Maintaining his action against him the said William shall be practi-

sed be. And the said William saith that the plea of the said John by replication of pleaded and the matter therein contained are altogether insufficient in Law for the said William his action against him to have and Maintain and that he to that plea in manner and form as by replying pleaded he hath used need nor by the Law of the Land is in any sort held to answer and this he is ready to verify whereupon he prays Judgment if the said John his action of thereof against him ought to have be. And the said John for that no sufficient Matter in law in his replication of his action against the said William Melton to have and maintain above hath alleged which he is ready to verify which matter the said William doth not deny or the same in any sort answered but that averment to admit ~~the~~ al to the refusal the said John as before prays Judgment and his damages by occasion of the premises to him to be adjudged

Whereupon all and Singular the premises being seen and by the Court here fully understood and mature deliberation thereupon had so that it seemeth to the Court ^{now} here that the replication and by the said John in manner and form as above by replying pleaded and the matter in the same contained are not good nor sufficient ⁱⁿ Law to the said John of his action against the said William to have and Maintain

Therefore it is Considered that the said John Demise and take nothing by his writ and declaration and but be in mercy for his false clamour and that the said William go thereof without day & sur: then it is Considered that the said William recover against the said John Demise sum three hundred

69 & Sixty Nine pounds of tobacco for his costs and Charges by him about his defence in that part sustained to the said William by the Court now here of his spent money to the form of the Statute in such case lately made and provided adjudged and that the said William have thereof Execution

R^t Henry Reynolds } Command was given to the Sheriff of Somerset County that he should take William Porter late of Somerset County Carpenter if he should be found in his bailiwick and him should safe keep so that he might have his body