

William Phelps } And the said William by
at the suit of } Gabriel Duwall his Attorney
Joseph Clarke } comes & says that the said Jo-
Assignee of Charles } seph ought not to have his
Execution aforesaid for the
Debt & damages aforesaid of
the Lands & Tenements aforesaid against him
the said William in the return of the Writ of
Scire Facias aforesaid mentioned, whereof he is
returned tenant, because he says that he the
said William was not, at the time of the In-
-petration of the said Writ of Scire Facias
nor at any time since hath been tenant, but
for a term of years only, of the Lands & Ten-
-ments in the return of the said Writ of Scire
Facias mentioned whereof he is returned tenant,
nor of any other Land or Tenements whereof
the said Thomas Rutland was at the time of the
rendition of the said Judgment or at any ^{single} time
served in his demesne as of fee as by the ~~return~~ ^{verdict}
aforesaid above is alleged; and this he is ready
to verify. Wherefore he prays Judgment if the
aforesaid Joseph his Execution of the said
debt & damages against him of the Lands and
Tenements aforesaid whereof & so forth ~~therein~~
~~therein~~ to have ought & so forth —
And the said William with the leave of the
Court & according to the Form of the Statute in
such cases made & provided, comes & further saith
that ~~that~~ the said Joseph ought not to have his
Execution of ^{the} debt & damages aforesaid against him the
said William of the Lands & Tenements aforesaid
in the return of the Writ aforesaid men-
-tioned, whereof & so forth because he saith there
is no such Record of the confession of Judgment
aforesaid by the said Thomas Rutland, John Freagh
Mackubbin & Joseph Clarke for the debt & damages