because he saith that the Deed act and the
matter therein contained is not sufficient in law
to compell this Deft to make answer thereto
neither is he by the Law of this Land bound to
make answer and that he is ready to verify
Wherefore for want of a sufficient Deft
in that behalf the said Deft Doth Demur
in Law and for Cause of Demurra shewth
these subsequent reasons according to the
Forme of the Statt. in that Case made and
provided — First it is omitted in the Deed to
sett forth that the assumpsitt was made
within the Jurisdiction of this Court which ought
in all Deeds brought in a County Court to
have been expressed that thereby the Court
might know if it were within their Jurisdiction
and Consequently whether the action Lyed to be
tryed before them

Secondly the Deed is in itselfe insufficient
without any other reason in it selfe being
alledged in the sett Deed that the Deft
is indebted to the plaintt in the summe
of Eighteen pounds Seaven shill and Six
pence Ster. a penall obligacion for the
performance in paymt of nine pounds ster.
shill. and nine pence Ster. the which the
plaintt hath laid his Damag. to the value
of thirty Six pounds fifteen shill is a
penalty upon a penalty and therefore
vicious and erroneous the which the Deft prayeth
Judgt &c.

And

Third the said Wm Gouton by his attorney Gayle for the
sue above Declaring that the alledged sufficient matter in
the Counts mentioned in Action to be had and recovered ag the
said Walter Campbell Doth not Gainsay nor therunto
answer at all and this plaint. which he is ready to verify
as matter all any of the Deft and to pray Judgt
Demurra. prayes Judgt and his said Debt together
with Costs of Suite to be to him adjudged &c. Kirke

The Court having taken into the Consideracion
what the said plaintt Declared as the said Deft plea in
Demurra. Doth adjudge that the Deft plea to any
thing therein contained is sufficient in Law nor Ought
to barr the plaintt his action Doth brought as aft &c.
Whereupon it is considered by the Court here that the said
Wm Gouton recover of the said Walter Campbell
as well the Summe of Eighteen pounds Seaven
Shillings and Six pence as aft as also the Summe
of two hundred twenty and four pounds of Tob. Costs
of Suite by the said Wm in this behalf Laid out
and expended and the said Walter in mercy &c.

Att which time came the said Walter Campbell
in to Court and prayed Liberty to appeale from
the Judgt Soe given as aft unto the next Provincial
Court which is Granted him he Giving Security
to prosecute the same to effect

Coa. Copia. Hen: Eccleston Clk

Campbell ag. Gouton } Error upon a Judgt given in Dorchester
County Court for Wm Gouton ag. Walter
Campbell at a Court held for the said
County the 5th Day of January 1699

and whereupon the said Walter Campbell by Geo:
Plater his attorney says that in the record and proceeding of
ye same Court as also in the rendring the said Judgt
manifest Error Hath intervened — First