In the Law to preclude him the said Charles from having his Action aforesaid thereof against him the said Thomas and that to the same Plea in manner and form aforesaid above pleaded he the same Charles is under no necessity nor by the Law of the Land bound in any manner to answer and this he is ready to verify wherefore for want of a sufficient plea in this part the same Charles prays Judgment and that his Debt aforesaid together with his Damages occasioned by the Detention of that Debt to him may be adjudged and so forth and for causes of Demurrer in Law the aforesaid Charles according to the form of the Statute in such case made and provided shews to the Court here the following to wit for that there can be no conclusive issue formed or made on the same second plea if found for the said Charles but that any issue that can be found or made on the same plea will be immaterial if found against the said Thomas and for that the same plea is double incertain and wants form and so forth

And as to the fourth plea of the aforesaid Thomas above pleaded the aforesaid Charles saith that he the said Charles by any thing by the said Thomas in the same plea alledged from having his Action aforesaid thereof against him the said Thomas to be precluded ought not because he saith that the aforesaid Thomas did not pay to the said Charles the said sum of two hundred and eleven Pounds ten shillings Sterling money of Great Britain with legal Interest for the same in manner and form as the said Thomas above in the same plea hath alledged and this he prays may be enquired of by the Country and the aforesaid Thomas in like manner. And as to the fifth plea of the aforesaid Thomas above pleaded the said Charles saith that he by any thing by the said Thomas in the same plea alledged from having his Action aforesaid thereof against him the said Thomas to be precluded ought not because he saith that the same plea by the aforesaid Thomas in manner and form aforesaid above pleaded and the matter in the same contained are altogether insufficient in the Law to preclude him the said Charles from having his Action aforesaid thereof against him the said Thomas and that to the same plea in manner and form aforesaid above pleaded he the same Charles is under no necessity nor by the Law of the Land bound in any manner to answer and this he is ready to verify wherefore for want of a sufficient plea in this part the same Charles prays Judgment and that his Debt aforesaid together with his Damages occasioned by the Detention of that Debt to him may be adjudged and so forth and for causes of Demurrer in Law the aforesaid Charles according to the form of the Statute in such case made and provided shews to the Court here the following to wit for that there can be no conclusive issue formed or made





on the same fifth plea if found for the said Charles but that any Issue that can be found or made on same plea will be immaterial if found against the said Thomas and for that the same plea is Double incertain and wants form and so forth.

And the aforesaid Thomas saith the second plea aforesaid by him the said Thomas in manner and form above pleaded and the matter in the same contained are good and sufficient in Law to preclude the said Charles from having his Action aforesaid against him the said Thomas which same plea and the matter in the same contained the said Thomas is ready to verify and prove and Because the aforesaid Charles to that plea hath not answered nor that in any manner denied he the said Thomas as before prays Judgment and that the aforesaid Charles from having his Action aforesaid against him the said Thomas may be precluded and so forth. And the aforesaid Thomas saith the fifth plea aforesaid by him the said Thomas in manner and form above pleaded and the matter in the same contained are good and sufficient in Law to preclude the said Charles from having his Action aforesaid against him the said Thomas which same plea and the matter in the same contained the said Thomas is ready to verify and prove and Because the aforesaid Charles to that plea hath not answered nor that in any manner denied he the said Thomas as before prays Judgment and that the aforesaid Charles from having his Action aforesaid against him the said Thomas may be precluded and so forth

Nevertheless the said Thomas Sligh by his Attorney aforesaid relinquishing the Averments above by him pretended says that he cannot deny the Action aforesaid of the aforesaid Charles Capall so as aforesaid against him brought nor but that the Writing aforesaid is the Deed of him the said Thomas Sligh nor but that he owes to the said Charles Capall the aforesaid sum of Four hundred and twenty three Pounds four shillings Sterling Money of Great Britain in manner and form as the said Charles Capall above against him hath Declared

Therefore it is Considered by the Justices here that the said Charles Capall Recover against the said Thomas Sligh as well the sum of Four hundred and twenty three Pounds four shillings Sterling Money of Great Britain his Debt aforesaid as also the sum of

1/ Cum 7. & 133 4/6 Pounds of Tobacco by the Court here unto the said Charles Capall on his Assent Adjudged as well for his Damages sustained by Occasion of the Detention of that Debt as for his Costs and Charges by him about his Suit in this Behalf laid out and Expended And the said Defendant In Mercy &c.

Test. Reverdy Ghiselin Clk