At the time when the Cause of Action aft accrued first to him the said John was within this Province of Maryland to wit at Anne Arundel County aft without that that the said John at the time when the said Cause of Action first accrued to him was residing in parts beyond the Seas as the said John above by replying hath alledged and this he is ready to verify wherefore he prays Judgment as before if the aft John his Action aft thereof against him to have or maintain Ought &c so forth &c ——— And the said Richard as to the plea of the said John to the third plea of him the said Richard above by replying pleaded saith that the said plea of the said John in manner and form aft above by replying pleaded and the matter therein contained are insufficient in Law for the said John his Action aft thereof against him the said Richard to have or maintain and that he the said Richard to that plea in manner and form above pleaded hath no need nor by the Law of the Land is held in any sort to answer and this he is ready to verify Wherefore for want of a Sufficient Replication in this part the said Richard prays Judgment and that the aft John from having his Action aft thereof against him the said Richard may be precluded and so forth &c ———

Whereupon the said Richard Taylor Executor as aforesaid by his Attorney aforesaid Offers himself ready for Tryal against the said John Winn in the plea aforesaid But the said John Winn altho solemnly called Comes not but makes Default nor doth he further prosecute his writ against the said Richard Taylor in the plea aforesaid &c ———

Therefore it is Considered by the Justices here that the said John Winn take nothing by his writ aforesaid against the said Richard Taylor in the plea aforesaid But that he and his pledges of Prosecuting to wit John Doe and Richard Roe be In Mercy &c And that the said Richard Taylor go thereof without Day &c And it is also Considered that the said Richard Taylor Executor as aforesaid Recover against the said John Winn the Sum of

Pounds of Tobacco by the Court heretofore given to him the said Richard Taylor on his short adjudged for his Costs and Charges by him about his Defence in this behalf laid out and Expended and that he have thereof his Execution &c

Test Reverdy Ghiselin Clk